

## MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 01-15-04

**Attendance:** Thomas Utterback, CH Richard Horton, VC Enrique Salvador John Kurzman  
Rolando Diaz Edward Woodard Justin Manuel Robert Barnes  
Jesus M. Gomez **(Ret. Chief)** William Strachan Alfonso Fernandez-Fraga, P.E.

**Excused:** Steven L. Johns Carmen Garcia Gregory Pierce William Riley

**Staff Present:** Herminio F. Gonzalez, Secretary Stephanie Miller, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Lorena Ramos, Metro Dade Court Reporters

**Commenced at 1:20 p.m.**

Mr. Utterback requested a motion of the Board to accept the Consent Agenda and Emergency Consent Agenda items.

### CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 1993278779, Delgado**  
**APPEAL #2: TCO EXTENSION, PERMIT No. 2002062813, Delgado**  
**APPEAL #3: TCO EXTENSION, PERMIT No. 00-145, Riley**  
**APPEAL #4: TCO EXTENSION, PERMIT No. 03-401, Riley**  
**APPEAL #5: TCO EXTENSION, PERMIT No. 01080196, Creighton**  
**APPEAL #6: TCO EXTENSION, PERMIT No. 00-5020563, Glasser**  
**APPEAL #7: TCO EXTENSION, PERMIT No. 00-5020023, Glasser**  
**APPEAL #8: TCO EXTENSION, PERMIT No. 00-5020020, Glasser**

### EMERGENCY CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. B0303515, Armstrong**  
**APPEAL #2, TCO EXTENSION, PERMIT NO. 342 San Lorenzo Avenue, #1210 – Permit # 02110296, Neumann**  
320 San Lorenzo Avenue #1215 – Permit # 02100579  
320 San Lorenzo Avenue #1220 – Permit # 02070148  
320 San Lorenzo Avenue #1230 – Permit # 02060361  
320 San Lorenzo Avenue #1235 – Permit # 02110346  
320 San Lorenzo Avenue #1250 – Permit # 02080622  
320 San Lorenzo Avenue #1320 – Permit # 02070115  
320 San Lorenzo Avenue #1255 – Permit # 02080542  
330 San Lorenzo Avenue #2300 – Permit # 02080678  
330 San Lorenzo Avenue #2302 – Permit # 02080348  
330 San Lorenzo Avenue #2305 – Permit # 02060178  
330 San Lorenzo Avenue #2310 – Permit # 02080543  
330 San Lorenzo Avenue #2315 – Permit # 03010134  
330 San Lorenzo Avenue #2320 – Permit # 02070624  
330 San Lorenzo Avenue #2325 – Permit # 02080201  
330 San Lorenzo Avenue #2327 – Permit # 02070634  
330 San Lorenzo Avenue #2335 – Permit # 02110425  
330 San Lorenzo Avenue #2345 – Permit # 02080097  
342 San Lorenzo Avenue #1000 – Permit # 02080400  
342 San Lorenzo Avenue #1005 - Permit # 02050103  
342 San Lorenzo Avenue #1015 – Permit # 02080225  
342 San Lorenzo Avenue #1020 – Permit # 02080233  
342 San Lorenzo Avenue #1030 – Permit # 02080398  
342 San Lorenzo Avenue #1035 – Permit # 02100575  
342 San Lorenzo Avenue #1040 – Permit # 02110476  
342 San Lorenzo Avenue #1045 – Permit # 02050364  
342 San Lorenzo Avenue #1050 – Permit # 02070018  
342 San Lorenzo Avenue #1055 – Permit # 02080224  
342 San Lorenzo Avenue #1060 – Permit # 02060480  
342 San Lorenzo Avenue #1075 – Permit # 02080359  
342 San Lorenzo Avenue #1080 – Permit # 02080362  
342 San Lorenzo Avenue #1085 – Permit # 02060500  
342 San Lorenzo Avenue #1095 – Permit # 02070112  
342 San Lorenzo Avenue #1100 – Permit # 02100541

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342 San Lorenzo Avenue #1105 – Permit # 02070468  
342 San Lorenzo Avenue #1110 – Permit # 02090310  
350 San Lorenzo Avenue #2005 – Permit # 02070037  
350 San Lorenzo Avenue #2010 – Permit # 02060542  
350 San Lorenzo Avenue #2020 – Permit # 02080093  
350 San Lorenzo Avenue #2025 – Permit # 02056236  
350 San Lorenzo Avenue #2030 – Permit # 02070180  
350 San Lorenzo Avenue #2035 – Permit # 02080077  
350 San Lorenzo Avenue #2100 – Permit # 02060536  
350 San Lorenzo Avenue #2105 – Permit # 02080301  
350 San Lorenzo Avenue #2110 – Permit # 02070325  
350 San Lorenzo Avenue #2115 – Permit # 02100529  
350 San Lorenzo Avenue #2125 – Permit # 02070532  
350 San Lorenzo Avenue #2130 - Permit # 02088119  
350 San Lorenzo Avenue #2135 – Permit # 02050466  
350 San Lorenzo Avenue #2140 – Permit # 03030236  
350 San Lorenzo Avenue #2200 – Permit # 02080096  
350 San Lorenzo Avenue #2205 – Permit # 02070191  
350 San Lorenzo Avenue #2210 – Permit # 02050202  
350 San Lorenzo Avenue #2220 - Permit # 02050276  
350 San Lorenzo Avenue #3000 – Permit # 02060444  
358 San Lorenzo Avenue #1090 – Permit # 03020150  
358 San Lorenzo Avenue #3020 – Permit # 02080118  
358 San Lorenzo Avenue #3025 – Permit # 02070490  
358 San Lorenzo Avenue #3030 – Permit # 02080396  
358 San Lorenzo Avenue #3110 – Permit # 02070492  
358 San Lorenzo Avenue #3120 – Permit # 02090236  
358 San Lorenzo Avenue #3125 – Permit # 02070603  
358 San Lorenzo Avenue #3135 – Permit # 02080540  
358 San Lorenzo Avenue #3140 - Permit # 02080539  
358 San Lorenzo Avenue #3200 – Permit # 02070489  
358 San Lorenzo Avenue #3205 – Permit # 02070602  
358 San Lorenzo Avenue #3210 – Permit # 02060490  
358 San Lorenzo Avenue #3215 – Permit # 02070608  
358 San Lorenzo Avenue #3225 – Permit # 02070493  
358 San Lorenzo Avenue #3230 – Permit # 02070491  
360 San Lorenzo Avenue #1440 – Permit # 02080523  
360 San Lorenzo Avenue #1500 – Permit # 02080132  
360 San Lorenzo Avenue #1505 - Permit # 02080537  
360 San Lorenzo Avenue #1510 – Permit # 02080354  
360 San Lorenzo Avenue #1520 -- Permit # 02110055  
360 San Lorenzo Avenue #1525 - Permit # 02070541  
360 San Lorenzo Avenue #1530 – Permit # 02110105  
370 San Lorenzo Avenue #2400 – Permit # 02080229  
370 San Lorenzo Avenue #2415 – Permit # 02080461  
370 San Lorenzo Avenue #2420 – Permit # 03010197  
370 San Lorenzo Avenue #2422 – Permit # 02080139  
370 San Lorenzo Avenue #2425 – Permit # 02070411  
370 San Lorenzo Avenue #2430 – Permit # 02080225  
370 San Lorenzo Avenue #2435 – Permit # 02080122  
370 San Lorenzo Avenue #2440 – Permit # 02090065  
370 San Lorenzo Avenue #2445 – Permit # 02080685  
370 San Lorenzo Avenue #2450 – Permit # 02080598  
370 San Lorenzo Avenue #2455 – Permit # 02080599  
370 San Lorenzo Avenue #2460 – Permit # 02080600  
4401 Ponce De Leon Blvd #1605 – Permit # 02050334  
4665 LeJeune Road # 1700-Permit # 02067057

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**4425 Ponce De Leon Blvd.-Permit # 0202110074**

**4425 Ponce De Leon Blvd. -Permit # 03010272**

**4425 Ponce De Leon Blvd.-Permit # 03020054**

**4425 Ponce De Leon Blvd. -Permit # 02110241**

**4425 Ponce De Leon Blvd #118 - Permit # 02050516**

**4425 Ponce De Leon Blvd #200 – Permit # 02050282**

**4425 Ponce De Leon Blvd #240 - Permit # 02100069**

**APPEAL #3: TCC EXTENSION, PERMIT No. 00110089 (East Block), Cytrynowicz**

**APPEAL #4: TCC EXTENSION, PERMIT No. 01031359 (West Garden), Cytrynowicz**

**APPEAL #5: TCC EXTENSION, PERMIT No. 01031360 (East Garden), Cytrynowicz**

**APPEAL #6: TCC EXTENSION, PERMIT No. 01020324 (Crescent Building), Cytrynowicz**

**APPEAL #7: TCO EXTENSION, PERMIT No. 1996055847, Gonzalez**

**APPEAL #8: TCO EXTENSION, PERMIT No. 1997066519, Gonzalez**

**APPEAL #9: TCO EXTENSION, PERMIT No. 2003031405, Gonzalez**

Mr. Gomez left the room.

Mr. Kurzman moved to grant the Consent Agenda and Emergency Agenda items. Mr. Salvador seconded the motion.

**Motion carried unanimously**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Minutes of December 18, 2003**

Mr. Utterback then requested a motion to approve the minutes for the **December 18<sup>th</sup>, 2003** meeting. Mr. Kurzman moved to approve the minutes of the last meeting. Mr. Salvador seconded the motion.

**Motion carried unanimously**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback took a moment to acknowledge Mr. Jose Ferras, Building Official for the City of Miami for being chosen as Building Official for the year of 2003. At this time, he presented Mr. Ferras with a plaque on the behalf of the Board.

Mr. Ferras expressed his appreciation and stated that he accepted the plaque on behalf of all Building Official's of Dade County.

**NOPA APPEAL #1: APPEAL OF NOTICE OF PROPOSED ACTION: Fast Felt Underlayment, David Collins**

Mr. B.J. Walter, attorney for Mr. David Collins stated that they were appealing the proposed Notice of Approval and indicated that additional test options were not offered. At this time, he requested of the Chairman to be able to exam and cross-exam the parties involved.

Mr. Walter then began to question Mr. Peter Brunecz who gave his qualifications as having a BS in Chemistry and 20 years of experience in the field. He added that he worked for Worldwide Company and he was involved in the tap material. Mr. Brunecz stated that he was familiar with normal roofing operations and explained that tests were administered and there is no problem with weather or temperature swings observed with this product.

Mr. Walter then proceeded to question Mr. David Collins, who gave his qualifications as President of LLF Systems, Inc., and CEO of Public Roofing Co., with 15 years of experience in the business. He commented that they manufacture tar paper and explained that they were asked to provide a rupture pull through test by the Building Code Compliance Office, Product Control Division. He then proceeded to give samples to the members for their viewing.

Mr. Collins went on to add that he visited all of the tests protocols and Mr. Zuloaga never informed him about the standard tests until the proposed NOA was issued.

Mr. Kurzman asked about the 30 pound felt and wanted to know how they were bonded together.

Mr. Collins answered that a press roll process kept the two together.

Mr. Brunecz commented that the material is molded and an adhesive grade is applied during manufacturing of the paper.

Mr. Frank Zuloaga, Roofing Product Control Examiner stated that the product seems to be a good product but he needed to know what it really is. He added that the Building Code Compliance Office was lead to believe that there was epoxy base and they needed to know what type of plastic and they do not know whether this product will perform. Therefore, he suggested that they accept the NOA and take a one-year period, but in the meantime they can meet to obtain compliance.

Mr. Collins stated that at this time he would like to delay the issuance of the NOA and meet to with Mr. Zuloaga to obtain additional testing.

Mr. Walter commented that time is the issue and they would like an approval as soon as possible.

Mr. Zuloaga remarked that it would take four to six months to review and suggested that Mr. Collins accept the NOA as approved.

Mr. Collins responded that there is an issue with the use of the word “*plastic*” or epoxy.

Mr. Zuloaga commented that they needed to know what type of plastic and suggested once again for them to use the existing NOA and in the meantime fix the description.

Mr. Brunecz answered that it was “*nylon*”.

Mr. Zuloaga stated that they needed the breakdown of what type of nylon.

Mr. Walter stated that this was a patented data formulation and nylon is adequately specific. He added that there were other roofing products that just read nylon plastic.

Mr. Zuloaga advised that if a complaint were to arise it could be very costly.

Mr. Kurzman commented that there is product liability and the right to privacy that should be entitled and they should not be forced to provide the formula.

Mr. Zuloaga stated that they do not require the formula; they just want a list of items to be identified and they have requested this information of other manufacturers.

After further discussion, Mr. Diaz moved to uphold the issuance of the NOA by Product Control for the indicated use, but amending the Notice of Acceptance to reflect the length of role from 70’ to 72’ and the product description as nylon base, instead of epoxy base. Mr. Kurzman seconded the motion.

**Motion carried unanimously**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEALS**

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, Gables Club Tower II, 60 Edgewater Drive, Interior Alterations/Smoke Guard System**

Mr. Burt Leon **withdrew** this appeal from the Board of Rules and Appeals agenda through correspondence dated January 14, 2004.

**TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT NO. B0001111/BCO3052, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Main Tower Mid-rise Floors 4-16**

**APPEAL #2: TCO EXTENSION, PERMIT NO. B0001111/BCO03191, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Main Tower 32 Story & Mid Rise 16 Stories**

**APPEAL #3: TCO EXTENSION, PERMIT NO. B0001111/BCO03108, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, North Main Lobby at Ground Floor**

**APPEAL #4: TCO EXTENSION, PERMIT NO. B0001111/BCO03048, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Main Tower & Mid-rise (128 Units)**

**APPEAL #5: TCO EXTENSION, PERMIT NO. B0001111/BCO03218, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, TCO Leasing Office**

**APPEAL #6: TCO EXTENSION, PERMIT NO. B0001111/BCO03308, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Garden Apartments, Unit Floors 2-7**

**APPEAL #7: TCO EXTENSION, PERMIT NO. B0001111/BCO03204, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, N. Tower Units**

**APPEAL #8: TCO EXTENSION, PERMIT NO. B000111/BCO01222, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, New Parking Garage – Levels 1-4**

**APPEAL #9: TCO EXTENSION, PERMIT NO. B000111/BCO3280, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Units 806, 906, 1006, 1706**

**APPEAL #10: TCO EXTENSION, PERMIT NO. B000111/BCC510059, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Temp Use of Elevator #4**

**APPEAL #11: TCC EXTENSION, PERMIT NO. B000111/BCC100255, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, TCC for Existing Garage**

**APPEAL #12: TCC EXTENSION, PERMIT NO. B0001107/BCC0200350, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Grd. Upper & Lower Pool Deck**

**APPEAL #13: TCC EXTENSION, PERMIT NO. B0001107/BCC000289, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Swimming Pool & Lower Deck**

Mr. Randy Bookbinder was present on behalf of The Grand Flamingo and stated there was an error to one of the permit numbers as listed on the agenda.

Mr. Utterback noted the change.

Mr. Salvador then moved to grant the TCO and TCC extensions for The Grand Flamingo according to the Building Official's recommendations. Mr. Woodward seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REPORT #1**

### **Certification of Inspectors/Plans Examiners for January**

#### **Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners**

Mr. Salvador informed that members that the following individuals are being recommended for **approval** for **Re-Certification** for 2004.

**See Inspector Tracking System Applicants per Year Report.**

Mr. Salvador moved to approve those listed on the Inspector Tracking System Report. Mr. Velazquez seconded the motion.

Mr. Salvador also made part of the motion that Mr. Richard Annese be removed from the denial for Re-Certification list and be added to the list for approval for Re-Certification, since he has cleared up his licensing problems.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador further added that the following individuals are being recommended for **approval** for **New Certification** for 2004.

#### **INSPECTOR:**

Aldecocoea, Julio R.  
Cherry, David J.  
DeJonge, David A.  
Fallon, Dennis  
Regula, Ronald

#### **REPRESENTING:**

City of Hialeah  
Miami-Dade County  
Village of Pinecrest  
City of Miami Beach  
City of Miami Beach

#### **DISCIPLINES:**

Plans Examiner (Building)  
Plans Examiner (Electrical)  
Chief Plumbing Inspector  
Chief Plumbing Inspector  
Mechanical Inspector

Mr. Salvador moved to **grant New-Certification** for the individuals listed above. Chief V. Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador acknowledged those individuals **missing Continuing Education hours for 2004** as the following:

#### **INSPECTOR:**

Maltby, Wesley C.  
  
Medina, John R.

#### **REPRESENTING:**

City of Homestead  
  
City of Coral Gables

#### **DISCIPLINES:**

Building Inspector (Structural)  
Roofing Inspector (Residential)  
Building Inspector (Structural)  
Plans Examiner (Building)

Mr. Salvador commented that these individuals were certified in late August and September and they are only missing four hours, so the Board and staff recommend certifying them.

Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then announced that the following individuals are being recommended for **denial** for **Re-Certification** for 2004.

**INSPECTOR:**

Oruña, Felipe E.

Porfiri, John

Urrutia, Jorge

**REPRESENTING:**

Village of Virginia Gardens

City of Coral Gables

Village of Virginia Gardens

**DISCIPLINES:**

Building Official

Building Inspector (Structural)

Building Inspector (Structural)

Chief Building Inspector

Roofing Inspector (Commercial)

Roofing Inspector (Residential)

Plans Examiner Building

Mr. Salvador moved to **deny Re Certification** for Mr. Felipe Oruna until his paperwork is properly submitted, as well as his hours. Chief V. Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Felipe Oruna was present and acknowledged what is to be done for him to be re-certified.

Mr. Salvador then addressed Mr. John Porfiri and advised the Board that he is missing many hours.

Mr. Jorge Gamoneda, Plumbing, Code Compliance Specialist stated that Mr. Porfini is missing ten hours.

Mr. John Porfini was present and submitted additional hours to the Board.

Mr. Gamoneda informed the Board that Mr. Porfini did submit additional hours and now was down to four hours.

After some discussion, Chief V. Fernandez moved to deny Mr. Porfini. Mr. Diaz seconded the motion.

Mr. Velazquez asked the Board what Mr. Porfini could do to complete the four hours, along with the additional 16 hours needed for this year.

Mr. Salvador answered that he needed to attend the next scheduled seminar and as soon as he completes them he could be certified.

Mr. Porfini explained to the Board that he was missing four hours due to personal issues beyond his control.

Upon further discussion, Chief V. Fernandez amended his motion to certify Mr. Porfini as soon as he completed his hours. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then advised the Board that Mr. Jorge Urrutia for non-submittal of required hours.

Mr. Gamoneda clarified that Mr. Urrutia did submit some hours, but he did not attend the meeting.

Mr. Salvador asked how many hours was Mr. Urrutia missing.

Mr. Gamoneda answered that he has only completed eight hours.

Chief V. Fernandez moved to deny Mr. Jorge Urrutia. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REPORT #2**

### **Probable Cause Request for Imposition of Discipline**

Mr. Michael Goolsby, Chief Code Compliance Division explained to the Board that the Building Code Compliance Office received a complaint at 4601 N.W. 36 Street, which prompted an investigation in the Miami Springs Building Department. He informed the Board that the code provides that the Board of Rules and Appeals can hear the findings and then consider action, issue a letter of guidance or conduct a hearing.

Mr. Kurzman asked were there criminal findings.

Mr. Goolsby expressed that he would like for the Board to review and then decide on whether to proceed with this case.

Mr. Velazquez commented that there needed to be due process for the other parties involved.

Asst. County Attorney, Stephanie Miller remarked that according to the code there first needed to be probable cause findings and during this course of action, no formal notice requirements are indicated.

Mr. Velazquez stated that he would like a formal legal opinion from the County Attorney's Office.

Mr. Utterback suggested taking a vote to see who would like to hear the issue.

Mrs. Miller stressed that this is the time when the Board can establish probable cause based on the report alone.

After hearing County Attorney's opinion, Mr. Utterback directed the Board that they would move forward and hear the report.

At this time, Mr. Eddie Fernandez, (Building) Code Compliance Specialist, presented a power point presentation of the violations located at 4601 N.W. 36 Street and advised the Board that he had sent written notice on September 8, 2003 and on November 26, 2003 about these findings and to-date he has not received anything from Mr. Sal Annese.

Mr. Fernandez began to explain some of the areas of concern refer to deviation of the Notice of Acceptance (NOA). He stated that the curtain wall is installed beyond the structural wall; as a result the anchors are installed too close to the edge. He noted that anchor points were not installed, and the mullion installation was installed with one dead anchor. Mr. Fernandez further added that the Building Department still approved this NOA even though they deviated from what was approved.

Mr. Kurzman asked was the Building Official the same person as the inspector on the job.

Mr. Fernandez answered "yes" and went on to add that he could not find any inspection records for this work; he was told that they do not keep these records on file.

Mr. Goolsby stated that there is nothing current from the Building Official and he is not answering to the findings of the Building Code Compliance Office. He added that Mike Sprovero and the Structural Plans Examiner are also involved.

Chief Virgil Fernandez asked what they wanted the Board to do.

Mr. Eddie Fernandez responded that he would like the Board to direct these individuals to come in and answer to these findings.

Mr. Salvador asked were the plans correctly approved.

Mr. Eddie Fernandez commented that the plans were approved with the deviations of the NOA.

Mr. Goolsby stated that the Building Official did not follow the process on revisions to an NOA.

Mr. Kurzman asked were the shop drawings approved by a plans examiner.

Mr. Eddie Fernandez answered "yes".

Mr. Goolsby clarified that the Building Official can not accept alterations to a NOA without the approval of the Building Code Compliance Office; this should have been brought in for a one-time approval.

Mr. Jesus Gomez asked about the segmented glass and wondered was it depicted in the NOA in this manner.

Mr. Eddie Fernandez stated that the door was installed metal to metal, the hinges are missing screws and yet this building received a final and a certificate of occupancy.

After much discussion, Mr. Gomez moved to follow the procedures established in the code to bring in those individuals involved to address the findings of the Building Code Compliance Office. Mr. Fernandez-Fraga seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **INFORMATION**

Mr. Utterback informed the members that Mr. Stephen Johns has resigned from the Board of Rules and Appeals.

He went on to address the Formal Hearings attendance requirements and stated that they are having a bit of a problem establishing quorum and added Mr. Diaz and Mr. Fernandez-Fraga to the panel of members.

Mr. Herminio F. Gonzalez, Director, Building Code Compliance Office stated that the City of Miami Beach, as well as the City of Miami have a lot of expired permits that needed to be addressed in upcoming formal hearings.

**Meeting adjourned at 3:09 P.M.**



## MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 02-19-04

**Attendance:** Thomas Utterback, CH    Richard Horton, VC    Enrique Salvador    John Kurzman  
Rolando Diaz    Edward Woodard    Robert Barnes    Jesus M. Gomez  
Gregory Pierce    William Riley    Alfonso Fernandez-Fraga, P.E.

**Excused:** Carmen Garcia    Justin Manuel    William Strachan, (Ret. Chief)

**Staff Present:** Michael Goolsby, Acting Secretary    Stephanie Miller, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Lorena Ramos, Metro Dade Court Reporters

**Commenced at 1:21 p.m. without a Court Reporter.**

Mr. Utterback informed the members and the audience that the meeting was going to commence without the presence of the Court Reporter.

Mr. Utterback then requested a motion of the Board to accept the Consent Agenda and Emergency Consent Agenda items.

### CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 02-5011130, Bates**  
**APPEAL #2: TCO EXTENSION, PERMIT No. 01-5019491/TCO #03-01476, Bonet**  
**APPEAL #4: TCC EXTENSION, PERMIT No. B0300873, Fine**  
**APPEAL #5: TCC EXTENSION, PERMIT No. BCC0200349, Fine**  
**APPEAL #6: TCO EXTENSION, PERMIT No. 01-5023707/0300982, Milton**  
**APPEAL #7: TCO EXTENSION, PERMIT No. 01-5023708/0300999, Milton**  
**APPEAL #8: TCO EXTENSION, PERMIT No. B0301647, Ferretti**  
**APPEAL #9: TCO EXTENSION, PERMIT No. 00-5018094, Fine**

### EMERGENCY CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. B0001931, Quiroga**  
**APPEAL #2: TCO EXTENSION, PERMIT No. 001001, De Rojas**

Mr. Utterback requested a motion to accept the Consent Agenda and Emergency items, with the exception of **Consent Item #3 – Villa Di Mare Condominiums**, which will be heard by the Board, due to the expiration date of the permit.

Mr. Salvador then moved to grant the Consent Agenda and Emergency Agenda items with the exception of Consent Item #3. Mr. Pierce seconded the motion.

**Motion carried unanimously**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Diaz also brought to the Board's attention that Consent Item #10 was not signed by the Building Official.

Mr. Diaz left the room.

**APPEAL #3: TCO EXTENSION, PERMIT No. B0100200/BCO02303, Puig**

At this time, the Board addressed Consent Item #3 Villa Di Mare Condominiums where Mr. Omar Omzon stated that the contractor was actually responsible and they are now in litigation trying to rectify the problem.

Mr. Phil Azan, Building Official, City of Miami Beach mentioned for the record that he was aware that the permit had expired on September 26, 2003.

Asst. County Attorney, Stephanie Miller informed the board that they could have retroactive extensions to the original expiration date; the applicant would then need to return in March to request another extension.

After some discussion, Mr. Pierce moved to grant two 90-day extensions from the September 26 original expiration date. Mr. Kurzman seconded the motion.

**Motion carried unanimously**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## Minutes of January 15, 2004

Mr. Utterback then requested a motion to approve the minutes for the **January 15, 2004** meeting. Mr. Salvador moved to approve the minutes of the last meeting. Chief Virgil Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## TCO/TCC APPEALS

**APPEAL #1: TCC EXTENSION, PERMIT NO. B0001114/BCO0000048, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, South Tower – 2<sup>nd</sup> to 15<sup>th</sup> Floor and 12 Lanai Units**

**APPEAL #2: TCC EXTENSION, PERMIT NO. B0001112/BCC0200351, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, North Tower – Ground Floor – 15<sup>th</sup> Floor**

**APPEAL #3: TCO EXTENSION, PERMIT NO. B0001111/BCC003249, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Mid-Rise, Apartments 2211, 2301, 2511 and 2604**

**APPEAL #4: TCO EXTENSION, PERMIT NO. B0001111/BCC03336, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Mid-Rise, Apartments 1402, 1404, 1406 and 1408**

**APPEAL #5: TCO EXTENSION, PERMIT NO. B0001111/BCO03337, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Mid-Rise, Apartments 1410, 1414, 1416, 1418, 1420, 1424, 1426, 1428, 1430, 1432, 1434 and 1436**

**APPEAL #6: TCO EXTENSION, PERMIT NO. B0001111/BCO04099, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, New Garage, Seventh Floor Only**

**APPEAL #7: TCC EXTENSION, PERMIT NO. B0001107/BCC0200350, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Upper and Lower Pool Deck, New Construction South Garage**

**APPEAL #8: TCC EXTENSION, Certificate No. #510054, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Temporary Use Elevator #3 (MB-1920)**

Mr. Randy Bookbinder was present on behalf of The Grand Flamingo and stated there was an error to one of the permit numbers as listed on the agenda.

Mr. Utterback noted the change.

Mr. Salvador then moved to grant the TCO and TCC extensions for The Grand Flamingo according to the Building Official's recommendations. Chief Virgil Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #10: TCO EXTENSION, PERMIT No. 03040285, Neumann**

At this point, Mr. Pierce then moved to grant a TCO extension for the above-listed as **The Village of Merrick Park, Tourneau** located at **320 San Lorenzo Avenue, #1225**. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback then addressed **TCO Appeal Nos. 9, 10 and 11 – The Blue and Green Diamond Condominiums.**

**APPEAL #9: TCO EXTENSION, PERMIT NO. 9904387/BCO2135, City of Miami Beach, Blue and Green Diamond Condominium, 4775 Collins Avenue**

**APPEAL #10: TCO EXTENSION, PERMIT NO. 9904387/BCO2136, City of Miami Beach, Blue and Green Diamond Condominium, 4775 Collins Avenue**

**APPEAL #11: TCO EXTENSION, PERMIT NO. 9904387/BCO3158, City of Miami Beach, Blue and Green Diamond Condominium, 4775 Collins Avenue**

Mr. Bob de la Fuente was present on behalf of the Blue and Green Diamond Condominiums.

Mr. Pierce moved to grant the extensions according to the Building Official's recommendation. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## ADMINISTRATIVE HEARING #1 – Laminated Glass Certification

Mr. Theodore Berman, Deputy Director, Building Code Compliance Office advised the Board that this item has been **withdrawn** from the agenda.

### REPORT #1

#### Certification of Inspectors/Plans Examiners for February

#### Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners

Mr. Salvador informed that members that the following individuals are being recommended for **approval** for **Re-Certification** for 2004.

**INSPECTOR:**

Urrutia, Jorge

**REPRESENTING:**

Village of Virginia Gardens

**DISCIPLINES:**

Building Inspector (Structural)  
Chief Building Inspector  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Plans Examiner Building

He then informed the Board that the following individuals are being recommended for **approval** for **New Certification** for 2004.

**INSPECTOR:**

Annese, Richard

**REPRESENTING:**

Town of Miami Lakes  
Village of Palmetto Bay  
Village of El Portal

**DISCIPLINES:**

Building Inspector (Structural)  
Building Inspector (Structural)  
Chief Building Inspector  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Plans Examiner Building  
Building Official  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Plans Examiner (Mechanical)  
Plumbing Inspector  
Mechanical Inspector  
Chief Building Inspector  
Building Inspector (Structural)  
Electrical Inspector  
Plans Examiner (Electrical)  
Plans Examiner (Plumbing)  
Plumbing Inspector  
Chief Building Inspector  
Plans Examiner (Building)

Annese, Salvatore D.

Barrios, Ardiel

Village of Virginia Gardens  
City of North Miami

Didona, David J.  
Earl Jr., George J.  
Gonzalez, Carlos A.  
Gonzalez P.E., Dario  
Greenhauff, Jorge  
Gutkin, Leonard

Miami-Dade County  
City of Coral Gables  
City of Coral Gables  
Town of Golden Beach  
Miami-Dade County  
City of Sunny Isles Beach

Lindgren Jr., John C.

City of Sunny Isles Beach

Parker, Clayton L.  
Regalado, Reinaldo

City of Sunny Isles Beach  
City of Hialeah Gardens

Mr. Salvador moved to approve those individuals on the New Certification and Re-Certification list with the exception of **Mr. Kevin Lundin** on the New Certification list. Chief Virgil Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then announced that the following individual was being recommended for **denial** for **Re-Certification** for 2004.

**INSPECTOR:**

Rodriguez, Alberto

**REPRESENTING:**

City of Miami

**DISCIPLINES:**

Plans Examiner Mechanical (Res.)

Mr. Salvador informed the Board that Mr. Rodriguez was missing one year of experience on his license and the code is very clear on this matter.

Asst. County Attorney, Stephanie Miller advised the Board that the code was clear and the one year requirement is mandatory.

Chief V. Fernandez moved to reject Mr. Rodriguez' re-certification. Mr. Riley seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **EMERGENCY AGENDA**

Mr. Kurzman moved to hear the Emergency Agenda. Chief V. Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT NO. B0200277, City of Miami Beach, 200 Fairway Drive, Lamberto**

**APPEAL #2: TCO EXTENSION, PERMIT NO. B0200128, City of Miami Beach, 225 79 Street, Lamberto**

**APPEAL #3: TCO EXTENSION, PERMIT NO. B0300771, City of Miami Beach, 2301 Alton Road, Lamberto**

**APPEAL #4: TCO EXTENSION, PERMIT NO. B0205073, City of Miami Beach, 2301 Alton Road, Lamberto**

**APPEAL #5: TCO EXTENSION, PERMIT NO. BCC0200272, City of Miami Beach, 777 17 Street, Lamberto**

**APPEAL #6: TCO EXTENSION, PERMIT NO. B9803560, City of Miami Beach, Sagamore Hotel, Taplin**

**APPEAL #7: TCO EXTENSION, PERMIT NO. 03060421, City of Miami Beach, Wachovia Bank, 2700 Douglas Road, Chanouha**

**APPEAL #8: TCO EXTENSION, PERMIT NO. B0304015, 320 Lincoln Road, Kane**

**APPEAL #9: TCO EXTENSION, PERMIT NO. B0301712, City of Miami Beach, 247 23 Street, Kane**

**APPEAL #10: TCO EXTENSION, PERMIT NO. B0001111, City of Miami Beach, 1500 Bay Road, Bookbinder**

**APPEAL #11: TCO EXTENSION, PERMIT NO. 00110164, City of Coral Gables, 580 Puerta Avenue, Morene**

Mr. Pierce moved to grant the Emergency TCO Appeal items. Mr. Woodward seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**The Board took recess at 1:45 P.M to wait for the Court Reporter and reconvened at 2:02 P.M.**

At this time, Mr. Salvador continued with the Certification Subcommittee Report and advised the members that the City of Hialeah does not have a Chief Mechanical Inspector. He added that the Building Code Compliance Office will assist with the oversight of code compliance activity within the City.

Chief V. Fernandez moved to authorize the Building Code Compliance Office to staff the City of Hialeah until they hire the appropriate individual. Mr. Velazquez seconded the motion.

Mr. Juan Gutierrez, Building Official, City of Hialeah remarked that the short transition period is needed to evaluate prospective candidates.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **ADMINISTRATIVE HEARING #2 – Disciplinary Action/SFBC 2017/Miami Springs Code Certified Personnel Code Violation**

Mr. Carter McDowell, Attorney for the parties involved requested of the Board a 30-day continuance. He explained to the members the circumstances around this investigation and informed them that he recently became involved and was trying to obtain the documents as requested by the Building Code Compliance Office.

After some discussion, Mr. Riley moved to grant Mr. McDowell a 30-day continuance as requested. Mr. Salvador seconded the motion.

**Motion carried unanimously. (Mr. Pierce left the room.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **ADMINISTRATIVE HEARING #3 – Request to Appear to Discuss Disciplinary Hearing Results**

Mr. Salvador commented that Mr. Thomas Mesa, Building Official for Florida City was found guilty and his license was administratively suspended for six months. However, he has submitted a hold harmless letter on the permits and the matter should be resolved shortly.

Mr. Michael Goolsby, Chief, Code Compliance Division commented that Mr. Mesa was asked to appear so that the Board could consider the matter in reference to his BORA certification.

Mr. Diaz expressed his concerns and remarked that mistakes do happen and he believed that there was no willful intent on Mr. Mesa's part.

Mr. Jesus Gomez commented that there is an established procedure in addressing these conditions and Mr. Mesa has to abide by those rules.

Mr. Salvador asked Mr. Mesa was he aware of the circumstances of the administrative complaint.

Mr. Mesa indicated he was aware and was currently addressing the issue.

At this point, Mr. Salvador moved to put a letter in Mr. Mesa's certification file. Mr. Kurzman seconded the motion.

Assistant County Attorney, Stephanie Miller advised the Board that the guilty verdict from the Formal Hearing could not be rescinded by the Board.

Mr. Velazquez asked about restitution owed to the homeowner.

Mr. Mesa informed the members that the permit expired due to various disputes and explained to them that the homeowner's were going through a divorce and there were many start and stops, but now the new owner's have signed on to finish the work.

Assistant County Attorney Stephanie Miller reminded the members once again that they could not reverse their decision and there are legal avenues that can be pursued for appeals.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**PERMIT EXEMPTIONS – JOSE FERRAS, CITY OF MIAMI, FBC SECTION 101.4.2.5 – Permit Exemptions**

Mr. Jose Ferras, Building Official, City of Miami directed the members to Section 101.4.2.5 and informed them that he was exercising his discretion in this area of the code in exempting owners of single family residences from the permit requirements of the Code. He advised them that he was keeping with the ten day notification to the Board.

Mr. Goolsby remarked that the Building Official only has to inform the Board of his implementation.

The Board accepted the notification report.

**REPORT #2**

**Allowable Fastener Yield Stresses – Theodore Berman, Deputy Director, Building Code Compliance Office**

Mr. Theodore Berman, Deputy Director, Building Code Compliance Office stated that he was seeking an amendment to the recommendation that was made by the Building Subcommittee on September 18, 2003 addressing **Analysis of Anchors in Windows and Doors**. He further added that this was a matter of importance, since industry needed to be notified.

Mr. Berman then directed them to a memorandum dated February 4, 2004 stating, *“Use allowable yield as specified by the fastener manufacturer's nationally published literature or NOA.”* He further added that Textron Fastening Systems has published a web-site with values obtained from two laboratory reports, where no analysis of these tests have determined duration of load or mode of failure or use of wind increase factors.

Mr. Kurzman asked about weather performance throughout the years.

Mr. Berman stated that there are tests for corrosion resistance and all the values permitted by the code allow 20,000 fatigues. He added that he would like for them to remove the published literature and add the National Standard requirements.

After some discussion, Mr. Horton moved to accept the criteria as offered by Mr. Berman. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **EMERGENCY AGENDA CONTINUED...**

### **APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami, Performing Arts Center, 1330 North Bayshore Drive, Roofing Systems**

Mr. Wayne Meyer explained that there were two roofs areas with over 180, 000 square feet roof. He explained that these roofs were over grand stairways and there was some confusion as to the submittal of the Notice of Acceptances (NOA), where the slope requirement is the area of concern.

Mr. Robert Hendrickson stated that he had been in correspondence with Mr. Goolsby and they are trying to achieve the lower scope requirements.

Mr. Horton remarked that maybe they were seeking a one-time approval.

Mr. Utterback commented that time is of the essence in this case.

Mr. Jose Ferras, Building Official, City of Miami addressed the Board and explained that he can not deviate from the original NOA and asked of the Board if they were to show proper calculations could they obtain a slope reduction.

Mr. Goolsby commented that what is being requested is a substantial deviation from the original NOA.

Mr. Ferras commented that they have a valid NOA, but the problem was the slope.

Mr. Ferras responded that the secondary roof system is decorative.

Mr. Hendrickson added that they are providing additional underlayment and they will also seal each seam.

Mr. Horton commented that they were modifying the substrate.

Mr. Goolsby mentioned that a one-time approval can not be granted for a deviation to the code, therefore, he advised the Board to defer this appeal until the issues of the slope are addressed.

Mr. Horton stated that there is a provision in the South Florida Building Code.

Mr. Velazquez stated that perhaps this could be considered a "canopy."

Upon much discussion, Mr. Horton moved that a deviation from the minimum slope requirement of the building code be granted based on the alternate installation presented and that a low slope roof system with a Miami-Dade Notice of Acceptance first be installed on the subject roof decks. Thereupon, a metal roof system with a Miami-Dade County Notice of Acceptance could be installed, serving a decorative function only. Mr. Kurzman seconded the motion.

#### **Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **INFORMATION #1 – William Riley – Contractor Enforcement**

Mr. William Riley inquired about the Contractor Enforcement Section of the Building Code Compliance Office and asked about their procedure in identifying unlicensed contractors.

Mr. Goolsby responded that the Building Code Compliance Office conducts road blocks throughout various area of Dade County.

Mr. Riley expressed the need to be more visible and questioned the posting at intersections, which causes traffic problems for the area, instead of warehouses.

Mr. Goolsby commented that the office works in conjunction with the Police Department and that these stings receive a lot of media and they must comply with the appropriate regulations. The Office was advised that they could not conduct activity on private property.

Mr. Riley asked about the 500 feet rule, which had been mentioned.

Mr. Goolsby once again stressed the constraints of the Police Department.

Mr. Riley commented that they could use one inspector to catch a number of individuals at these warehouses; you do not have to utilize a lot of people.

Mr. Goolsby remarked that they have issued a number of tickets using this process and felt that the Building Code Compliance Office is being proactive in these enforcement activities.

Mr. Riley then requested the names of the staff; since he would like to obtain some more information on location distance requirements.

**INFORMATION #2 – Board of Rules and Appeals Identification Cards**

Mr. Gamoneda instructed some of the members not to leave until they received their Board of Rules and Appeals member identification cards.

**Meeting adjourned at 3:35 P.M.**

\*REVISED

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 03-18-04

**Attendance:** Richard Horton, VC Enrique Salvador John Kurzman Robert Barnes  
Jesus M. Gomez Gregory Pierce Alfonso Fernandez-Fraga, P.E.  
Justin Manuel William Derrer William Strachan, (Ret. Chief)  
\*Arnold Velazquez

**Excused:** Thomas Utterback, CH Carmen Garcia Edward Woodard Rolando Diaz William Riley

**Staff Present:** Michael Goolsby, Acting Secretary Stephanie Miller, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Janet Taylor-Brown, Metro Dade Court Reporters.

**Commenced at 1:18 p.m.**

Mr. Horton informed the Board that the first order of business was to introduce new Board Member, Mr. William Derrer, who is coming in under the discipline of General Contractor.

The Board extended a welcome to Mr. Derrer.

Mr. Horton informed the members that there are two items that were being added to the Consent Agenda. He advised them that they were **1245 Welsh Avenue and 60 Edgewater Drive.**

Mr. Salvador moved to add these items to the Consent Agenda. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton explained to the Board that there were items on the Consent Agenda that are going to be pulled for discussion. He remarked that they are **Nos. 1, 3, 6, 8 and 9.**

Mr. Horton then requested a motion of the Board to accept the Consent Agenda and Emergency Consent Agenda items with the additions and exceptions of the items mentioned above.

**CONSENT AGENDA**

**APPEAL #2: TCO EXTENSION, PERMIT No. 01-5019491/TCO #03-01476, Bonet**

**APPEAL #4: TCO EXTENSION, PERMIT No. B0004120, Rappaport**

**APPEAL #5: TCC EXTENSION, PERMIT No. B010020, Puig**

**APPEAL #7: TCO EXTENSION, PERMIT No. 01080196, Creighton**

**APPEAL #10, TCO EXTENSION, PERMIT NO. 342 San Lorenzo Avenue, #1210 – Permit # 02110296, Neumann**

**320 San Lorenzo Avenue #1215 – Permit # 02100579**

**320 San Lorenzo Avenue #1220 – Permit # 02070148**

**320 San Lorenzo Avenue #1230 – Permit # 02060361**

**320 San Lorenzo Avenue #1235 – Permit # 02110346**

**320 San Lorenzo Avenue #1250 – Permit # 02080622**

**320 San Lorenzo Avenue #1320 – Permit # 02070115**

**320 San Lorenzo Avenue #1255 – Permit # 02080542**

**330 San Lorenzo Avenue #2300 – Permit # 02080678**

**330 San Lorenzo Avenue #2302 – Permit # 02080348**

**330 San Lorenzo Avenue #2305 – Permit # 02060178**

**330 San Lorenzo Avenue #2310 – Permit # 02080543**

**330 San Lorenzo Avenue #2315 – Permit # 03010134**

**330 San Lorenzo Avenue #2320 – Permit # 02070624**

**330 San Lorenzo Avenue #2325 – Permit # 02080201**

**330 San Lorenzo Avenue #2327 – Permit # 02070634**

**330 San Lorenzo Avenue #2335 – Permit # 02110425**

**330 San Lorenzo Avenue #2345 – Permit # 02080097**

**342 San Lorenzo Avenue #1000 – Permit # 02080400**

**342 San Lorenzo Avenue #1005 - Permit # 02050103**

**342 San Lorenzo Avenue #1015 – Permit # 02080225**

**342 San Lorenzo Avenue #1020 – Permit # 02080233**

**342 San Lorenzo Avenue #1030 – Permit # 02080398**

**342 San Lorenzo Avenue #1035 – Permit # 02100575**



342 San Lorenzo Avenue #1040– Permit # 02110476  
342 San Lorenzo Avenue #1045 – Permit # 02050364  
342 San Lorenzo Avenue #1050 – Permit # 02070018  
342 San Lorenzo Avenue #1055 – Permit # 02080224  
342 San Lorenzo Avenue #1060 – Permit # 02060480  
342 San Lorenzo Avenue #1075 – Permit # 02080359  
342 San Lorenzo Avenue #1080 – Permit # 02080362  
342 San Lorenzo Avenue #1085 – Permit # 02060500  
342 San Lorenzo Avenue #1095 – Permit # 02070112  
342 San Lorenzo Avenue #1100 – Permit # 02100541  
342 San Lorenzo Avenue #1105 – Permit # 02070468  
342 San Lorenzo Avenue #1110 – Permit # 02090310  
350 San Lorenzo Avenue #2005 – Permit # 02070037  
350 San Lorenzo Avenue #2010 – Permit # 02060542  
350 San Lorenzo Avenue #2020 – Permit # 02080093  
350 San Lorenzo Avenue #2025 – Permit # 02056236  
350 San Lorenzo Avenue #2030 – Permit # 02070180  
350 San Lorenzo Avenue #2035 – Permit # 02080077  
350 San Lorenzo Avenue #2100 – Permit # 02060536  
350 San Lorenzo Avenue #2105 – Permit # 02080301  
350 San Lorenzo Avenue #2110 – Permit # 02070325  
350 San Lorenzo Avenue #2115 – Permit # 02100529  
350 San Lorenzo Avenue #2125 – Permit # 02070532  
350 San Lorenzo Avenue #2130 - Permit # 02088119  
350 San Lorenzo Avenue #2135 – Permit # 02050466  
350 San Lorenzo Avenue #2140 – Permit # 03030236  
350 San Lorenzo Avenue #2200 – Permit # 02080096  
350 San Lorenzo Avenue #2205 – Permit # 02070191  
350 San Lorenzo Avenue #2210 – Permit # 02050202  
350 San Lorenzo Avenue #2220 - Permit # 02050276  
350 San Lorenzo Avenue #3000 – Permit # 02060444  
358 San Lorenzo Avenue #1090 – Permit # 03020150  
358 San Lorenzo Avenue #3020 – Permit # 02080118  
358 San Lorenzo Avenue #3025 – Permit # 02070490  
358 San Lorenzo Avenue #3030 – Permit # 02080396  
358 San Lorenzo Avenue #3110 – Permit # 02070492  
358 San Lorenzo Avenue #3120 – Permit # 02090236  
358 San Lorenzo Avenue #3125 – Permit # 02070603  
358 San Lorenzo Avenue #3135 – Permit # 02080540  
358 San Lorenzo Avenue #3140 - Permit # 02080539  
358 San Lorenzo Avenue #3200 – Permit # 02070489  
358 San Lorenzo Avenue #3205 – Permit # 02070602  
358 San Lorenzo Avenue #3210 – Permit # 02060490  
358 San Lorenzo Avenue #3215 – Permit # 02070608  
358 San Lorenzo Avenue #3225 – Permit # 02070493  
358 San Lorenzo Avenue #3230 – Permit # 02070491  
360 San Lorenzo Avenue #1440 – Permit # 02080523  
360 San Lorenzo Avenue #1500 – Permit # 02080132  
360 San Lorenzo Avenue #1505 - Permit # 02080537  
360 San Lorenzo Avenue #1510 – Permit # 02080354  
360 San Lorenzo Avenue #1520 -- Permit # 02110055  
360 San Lorenzo Avenue #1525 - Permit # 02070541  
360 San Lorenzo Avenue #1530 – Permit # 02110105  
370 San Lorenzo Avenue #2400 – Permit # 02080229  
370 San Lorenzo Avenue #2415 – Permit # 02080461  
370 San Lorenzo Avenue #2420 – Permit # 03010197  
370 San Lorenzo Avenue #2422 – Permit # 02080139  
370 San Lorenzo Avenue #2425 – Permit # 02070411  
370 San Lorenzo Avenue #2430 – Permit # 02080225  
370 San Lorenzo Avenue #2435 – Permit # 02080122  
370 San Lorenzo Avenue #2440 – Permit # 02090065

370 San Lorenzo Avenue #2445 – Permit # 02080685  
370 San Lorenzo Avenue #2450 – Permit # 02080598  
370 San Lorenzo Avenue #2455 – Permit # 02080599  
370 San Lorenzo Avenue #2460 – Permit # 02080600  
4401 Ponce De Leon Blvd #1605 – Permit # 02050334  
4665 LeJeune Road # 1700-Permit # 02067057  
4425 Ponce De Leon Blvd.-Permit # 0202110074  
4425 Ponce De Leon Blvd. -Permit # 03010272  
4425 Ponce De Leon Blvd.-Permit # 03020054  
4425 Ponce De Leon Blvd. -Permit # 02110241  
4425 Ponce De Leon Blvd #118 - Permit # 02050516  
4425 Ponce De Leon Blvd #200 – Permit # 02050282  
4425 Ponce De Leon Blvd #240 - Permit # 02100069  
APPEAL #11: TCC EXTENSION, PERMIT No. B0002925, Ferretti  
1245 Walsh Avenue, Permit #01031165, Longone  
60 Edgewater Drive, Permit #00100163, Rojas

#### **EMERGENCY CONSENT AGENDA**

##### **APPEAL #1: TCO EXTENSION, PERMIT No. B000-1902/BCO01044, de la Fuente**

Mr. Pierce moved to grant the Consent Agenda and Emergency Agenda items indicated by Mr. Horton. Mr. Salvador seconded the motion.

#### **Motion carried unanimously**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **MINUTES OF FEBRUARY 19, 2004**

Mr. Horton requested a motion to approve the minutes for the **February 18, 2004** meeting. Mr. Kurzman moved to approve the minutes of the last meeting. Mr. Salvador seconded the motion.

#### **Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **CONSENT AGENDA: TCO/TCC CASES**

##### **APPEAL #8: TCO EXTENSION, PERMIT No. 1995-049753, Mainster**

Mr. Goolsby explained to the members that this item was pulled for discussion due to the elevator accessibility requirements.

Mr. Anthony Buford explained to the Board that they are in the bidding process to install the elevator, which will take about six months to complete.

After some discussion, Mr. Kurzman moved to grant the extension. Mr. Pierce seconded the motion.

#### **Motion carried unanimously**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

##### **APPEAL #1: TCO EXTENSION, PERMIT No. B00000931, Grendene**

Mr. Goolsby commented to the board that the Fire Inspector requested changes, as according to the code all life safety issues must be in place and also the TCO forms do not indicate the expiration date.

Mrs. Rose Juarez, a representative for Casa Tua informed the members that she was unaware of the life safety issues; her understanding was that it was a contractor concern.

After some discussion, Mr. Pierce moved to grant the extension based on the recommendation of the Building Official. Mr. Salvador seconded the motion.

#### **Motion carried unanimously**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

##### **APPEAL #3: TCO EXTENSION, PERMIT No. 01-0250, McGraw**

Mr. Goolsby explained to the Board that this extension was removed due to concern of the glass handrails that sit on a curve and it is considered a step and one could stand on it.

Upon discussion, Mr. Pierce moved to grant a 30-day extension, as opposed to the requested 90 days. Mr. Kurzman seconded the motion.

**Motion carried unanimously**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #6: TCO EXTENSION, PERMIT No. 2002059026, Backer**

Mr. Goolsby stated that this extension was pulled for discussion, due to the requirements of fire sprinklers, plumbing and the fire alarm system, which were not 100% completed as required by the code.

After some discussion, Mr. Pierce moved to grant the appeal in accordance with the Building Official's recommendation. Mr. Kurzman seconded the motion.

**Motion carried unanimously**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #9: TCO EXTENSION, PERMIT No. B0100654, Upegui**

Mr. Goolsby commented that this appeal was pulled due to the expiration date of the permit; he explained that a letter written by Mrs. Sandra Upegui indicated that the permit expired in December of 2003.

A representative for this appeal commented that they are working on an exhaust fan and fire system. He further added that the expiration date must be a typographical error, as they were granted an extension in December 2003.

After some discussion, Mr. Salvador moved to grant a 30-day extension. Mr. Pierce seconded the motion.

**Motion carried unanimously**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**REGULAR AGENDA**

**TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT NO. B0001111/BCO3258, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Apartments as listed**

**APPEAL #2: TCO EXTENSION, PERMIT NO. B0001111/BCO04099, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, New Garage 7<sup>th</sup> Floor Only**

**APPEAL #3: TCO EXTENSION, PERMIT NO. B0001111/BCO03036, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, New Garage 5<sup>th</sup> & 6<sup>th</sup> Floor Only**

**APPEAL #4: TCO EXTENSION, PERMIT NO. B0001111/BCO04070, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Main Tower & Mid-rise, Apts. 712,1712, 1812, 1912,2012,2312,2412,2512,3112, 3212 & 3312**

**APPEAL #5: TCO EXTENSION, PERMIT NO. B0302818/BCO04130, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Eight Floor – Athletic Center**

Mr. Horton advised the Board that **TCO Appeal Nos. 1-3** did not have an expiration date on the form.

Mr. Randy Bookbinder was present on behalf of The Grand Flamingo and stated that they are in the process of obtaining a Certificate of Occupancy for this structure.

Mr. Pierce moved to grant the extensions for The Grand Flamingo. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #6: TCO EXTENSION, PERMIT NO. B001657/BCO02228, Soltankik**

Mr. Enrique Soltankik informed the members that the delay is that there are two buildings and they are in process of completing the interior of the second building.

Due to the date of the expiration of the permit, Mr. Pierce moved to grant a 90-day extension. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Pierce then moved to grant another 60-day extension. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #7: TCO EXTENSION, PERMIT NO. 02-5001541, Fernandez**

A representative for Centro Hispano Day Care Center stated that the issue is rain gutters, which the City has deemed a life safety issue.

Mr. Goolsby commented that this is a structural matter.

Mr. Joe Ferras, Building Official City of Miami stated that there is a conflict with the code and proceeded to explain that this building was designed with an overflow scupper. He added that this building is a double T building with no structural compromise.

Mr. Goolsby clarified the design load of the code.

Mr. Ferras remarked that he was unaware that the TCO had expired, but expressed to the members that he needed time to make a decision on this issue.

After some discussion, Mr. Pierce moved to grant a 90-day extension. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #8: TCO EXTENSION, PERMIT NO. 2003017623, Broit**

*No one was present to represent this appeal.*

After some discussion, Mr. Pierce moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #9: TCO EXTENSION, PERMIT NO. 99090011, Lopez-Castro**

A representative for the Biltmore Associates, Inc., was present and informed the board that they were near compliance.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**REPORT #1**

**Certification of Inspectors/Plans Examiners for March**

**Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners**

Mr. Gamoneda informed the members that the following individuals are being recommended for **approval** for **Re-Certification** for 2004.

**INSPECTOR:**

Figueredo, David

**REPRESENTING:**

City of Hialeah

**DISCIPLINES:**

Electrical Inspector

Mr. Gamoneda then informed the members that the following individuals are being recommended for **approval** for **New Certification** for 2004.

**INSPECTOR:**

Behar, Isaac

Cobo, Jose

**REPRESENTING:**

Miami-Dade County

City of Hialeah

**DISCIPLINES:**

Plans Examiner (Building)

Mechanical Inspector

Plans Examiner Mechanical

Building Inspector (Structural)

Plans Examiner Plumbing

Plumbing Inspector

Chief Plumbing Inspector

Diaz, Guillermo  
Garcia, Heberto A.

Miami-Dade County  
City of Hialeah

Lindgren, Jr., John C.

Bal Harbour Village

Lugones, Agustin L. Medrano, Leonel A.	Miami-Dade County City of Miami Beach	Plans Examiner Building Roofing Inspector (Commercial) Plans Examiner Building
Palacios, Jose	City of Hialeah Gardens	Plans Examiner Plumbing Plumbing Inspector
Partovi, Mohammed R.	Bay Harbor Islands	Building Inspector (Structural) Plans Examiner Structural
Reyes, Jr., Albert Zeigler, James P.	City of Coral Gables City of Miami Beach	Plans Examiner Electrical Plans Examiner Plumbing

Mr. Salvador moved to approve those individuals on the **New Certification** and **Re-Certification** lists. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Goolsby presented to the Board the with the Continuing Education courses for 2004.

The Board accepted the course information.

Mr. Pierce left the room.

**ADMINISTRATIVE HEARING #1 – Disciplinary Action/SFBC 201.7 – City of Miami Springs Code Certified Personnel-Code Violation**

Mr. Eduardo Fernandez, (Building) Code Compliance Specialist, presented a power point presentation of the violations located at 4601 N.W. 36 Street and proceeded to explain that the Building Code Compliance Office had sent written notice to Mr. Sprovero and he never received a response from him. Mr. Fernandez went through the items requested from the City of Miami Springs and added that they were granted a continuance from the Board of Rules and Appeals in February 2004.

Mr. Kurzman asked were all these items subpoenaed.

Mr. Fernandez remarked that they also requested the curtain wall inspection report and proceeded to show the deviation of the curtain wall via power-point. He stated that the shop drawings were approved with a 14 inch deviation and no reinforcement.

Mr. Horton asked about the representation in the audience for this appeal today.

Mr. Carter McDowell stood and informed the Board that he was representing Mr. Salvatore Annese, Mr. Michael Sprovero and Mr. Nelson Lonsdale.

Mr. Nester Bustamante commented that he was representing the contractor.

Mr. Craig Shapiro informed the members that he was representing the owner, who is very concerned about the safety of the building.

At this time, Mr. Horton announced that there would be a recess for Mr. McDowell to review the case as presented by the Building Code Compliance Office personnel.

**The Board took recess at 2:39 P.M. and reconvened at 2:53 P.M.**

Mr. Goolsby informed the Board about the Probable Cause findings and proceeded to read into the record Chapter 8, Section 201.7 of the Miami-Dade County Code.

Mr. McDowell then informed the members that he met with Mr. Fernandez on two occasions and never was informed of the level of the presentation today. He then requested another month to respond to these findings and also commented on the fact that neither the contractor nor representation from Alumiglass was present today.

Mr. Goolsby commented that this issue is limited to BORA certified personnel.

Mr. Salvador asked was the special inspector certified by the Building Code Compliance Office.

Mr. McDowell answered that All State was the special inspector.

After some discussion, Mr. Kurzman moved to grant a continuance to the next Board of Rules and Appeals meeting. Mr. Velazquez seconded the motion.

**Discussion on the motion:**

Mr. Salvador asked Mr. McDowell did he have time to review all of the findings presented by the County today.

Mr. McDowell responded “no”; however he did have a chance to review the County file.

Mr. Eduardo Fernandez commented that they did visit the Office and obtain the complete file on this case and all the data presented today was in this case file. He further added that the reference to a special inspector was the first time he has heard of the existence of one.

Mr. Goolsby stated that they subpoenaed the records from the Building Department.

Mr. McDowell remarked that the records are not what they should be at the City of Miami Springs and throughout his research he has found documents that are not in the City’s records, which they are in the process of organizing. Mr. McDowell commented that more importantly, at this point in time he is not ready to address the additional items as submitted by the Building Code Compliance Office today. Mr. McDowell also enlightened the Board that the City of Miami Springs does not have a full time Building Official; however they are in the interviewing process. He added that all of the violations cited are not violations and also there are a lot of parties involved that needed to be present to address these issues. Mr. McDowell then read the Law of the State that states: “*all parties involved must be held responsible.*”

Mr. Craig Shapiro, who represents the owner, commented that on June 4, 2003 the City approved these inspections with the deviations; he would like to see something happen as soon as possible, as this has been ongoing since last year.

Mr. Kurzman stressed that Mr. McDowell needs adequate time to review all the findings presented today.

Mr. Goolsby clarified that the Building Official is required to act correctly and the contractors have a defense in the fact that the Building Official and the Inspectors approved these items.

Mr. Horton stated that the procedure is to consider discipline of the three code certified individuals involved in this case.

Mr. Derrer asked Mr. McDowell what he will be doing during the 30-day continuance.

Mr. McDowell responded that he hoped the engineer will deliver an opinion, as well as to ensure the presence of the appropriate witnesses.

Mr. Jaime Gascon, E.I., Product Control Inspector, stated as a matter of information, Alumiglass had filed an application with the Product Control Division.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Gomez left for the day at 3:35 P.M.

Mr. Pierce returned to the meeting.

**EMERGENCY AGENDA**

Mr. Kurzman moved to hear the Emergency Agenda items. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, 814 Ponce de Leon Blvd., FBC 4-hour Rated Fire Wall**

Mr. Omar Morales informed the members that this is an existing office building, where the parking penetrates the ground floor of the building.

Mr. Manuel Lopez, Building Official City of Coral Gables commented that the wall has to go from the foundation to the roof. He reflected back to the South Florida Building Code that states that there must be a firewall if you do not want to bring the structure up to code.

Mr. Kurzman asked about a continuous barrier between Part A and Part B.

Mr. Morales responded that the new building has its own independent column.

Mr. Lopez stated that this method is not continuous and this building could collapse.

Mr. Strachan concurred that this method did not meet the code, in the fact that it is not continuous.

Mr. Morales commented that the Fire Department did look at some areas of this building.

Mr. Lopez stated that the Fire Marshall felt that this was not a firewall.

At this time, Mr. Horton advised the members that they could find the Building Official to be in error and render a decision.

The owner of the property informed the Board that if they have to lose the parking then they will, since only three parking spaces will be affected.

Mr. Velazquez suggested that maybe they try computer simulation to see if the buildings would collapse.

Mr. Kevin Carrier, (Fire) Code Compliance Specialist stated that according to NFPA 221 the firewall can not be a load bearing wall.

Upon much discussion, the Owner **withdrew** her appeal, indicating she could continue to discuss with the Building Official the situation to find alternatives for compliance.

#### **TCO/TCC APPEALS**

##### **APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, University of Miami Ponce Garage, 5665 Ponce de Leon Blvd., Permit #02040083**

Mr. Salvador moved to grant a 90-day extension. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

##### **APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, Sunset Harbour North Tower, 1900 Sunset Harbour Drive, Permit #B8800095**

Mr. Mario Garcia-Serra, representative for Sunset Harbour North Tower updated the Board on the completion status of this structure.

Mr. Salvador moved to grant a 90-day extension. Motion seconded by Mr. Pierce.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **REPORT: Contractor Enforcement Activity Update**

Mr. Danny Vuelta, Investigation Section provided a PowerPoint presentation on how enforcement staff monitors unlicensed contractors and proceeded to provide the Board with statistics in terms of tickets, road blocks and restitution. Mr. Vuelta also showed footage on recent sting raids.

**Meeting adjourned at 4:05 P.M.**

## MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 04-15-04

**Attendance:** Thomas Utterback, CH      Richard Horton, VC      Carmen Garcia      Edward Woodard  
Rolando Diaz      William Riley      Enrique Salvador      John Kurzman  
Robert Barnes      Jesus M. Gomez      Gregory Pierce      William Derrer  
Arnold Velazquez      William Strachan, (Ret. Chief)      Chief Virgil Fernandez

**Excused:** Justin Manuel      Alfonso Fernandez-Fraga, P.E.

**Staff Present:** Michael Goolsby, Acting Secretary      Stephanie Miller, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Lorena Ramos, Metro Dade Court Reporters

**Commenced at 1:22 p.m.**

Mr. Utterback informed the Board that there were items on the Emergency Consent Agenda that are going to be pulled for discussion. He remarked that they are **No. 4 – Slim and Soft Bread Bakery** and **No. 6 – Talula Restaurant**.

Mr. Utterback then requested a motion of the Board to accept the **Consent Agenda** and **Emergency Consent Agenda** items with the exceptions of the items mentioned above.

### CONSENT AGENDA

**APPEAL #1: TCC EXTENSION, PERMIT No. B0300873, Fine**  
**APPEAL #2: TCC EXTENSION, PERMIT No. BCC0200349, Fine**  
**APPEAL #3: TCO EXTENSION, PERMIT No. 03-401, Price**  
**APPEAL #4: TCO EXTENSION, PERMIT No. 00-145, Price**  
**APPEAL #5, TCO EXTENSION, PERMIT No. 03-945, Price**  
**APPEAL #6: TCO EXTENSION, PERMIT No. 03-534, Price**  
**APPEAL #7: TCO EXTENSION, PERMIT No. B0301647/BCO03302, Ferretti**  
**APPEAL #8: TCO EXTENSION, PERMIT No. B0002925/BCO02179, Ferretti**

### EMERGENCY CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 00-5020023, Glasser**  
**APPEAL #2: TCO EXTENSION, PERMIT No. 00-5020020, Glasser**  
**APPEAL #3: TCO EXTENSION, PERMIT No. 00-5020563, Glasser**  
**APPEAL #5: TCO EXTENSION, PERMIT No. B0103752/BCO03378, Hopwood**  
**APPEAL #7: TCO EXTENSION, PERMIT No. B0103752/BCO03278, Hopwood**

Mr. Pierce moved to grant the Consent Agenda and Emergency Agenda excluding the items indicated by Mr. Utterback. Mr. Horton seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### MINUTES OF MARCH 18, 2004

Mr. Utterback requested a motion to approve the minutes for the **March 18, 2004** meeting. Mr. Horton moved to approve the minutes of the last meeting. Mr. Salvador seconded the motion.

At this time, Mr. Velazquez advised that his name was not on the attendance rooster, as he was present at that meeting.

Mr. Utterback advised staff to ensure that Mr. Velazquez' name is added to the attendance rooster for the March minutes.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### CONSENT AGENDA: TCO/TCC CASES

#### **APPEAL #4: TCO EXTENSION, PERMIT No. 02-5015851, Retondaro**

Mr. Jose Ferras, Building Official, City of Miami advised the Board that there was an accessibility issue that needed to be resolved and therefore, he is pulling this item for further review. He also informed the Board that he may have to suspend the permit.

The Board acknowledged Mr. Ferras' concerns and did not hear this item.



**APPEAL #6: TCO EXTENSION, PERMIT No. B0302049, Randazzo**

Mr. Frank Randazzo advised the Board that they are under construction and the issue is the emergency egress.

After some discussion, Mr. Kurzman moved to grant the extension. Mr. Horton seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**REGULAR AGENDA**

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, Mr. & Mrs. Sabates Residence, 2534 Indian Mound Trail, FBC Sec. 3401.8.2.3, 25% Rule**

Mrs. Mari Cabarrocas-Trelles informed the Board that this was an existing home that was built in the 1920; which they would like to add a family room and additional buildings.

Mr. Manuel Lopez, Building Official, City of Coral Gables responded that this house is not tie beamed and adding a double wall would separate the footing.

Mrs. Cabarrocas-Trelles stated that the issue is the interior opening into the existing structure.

Mr. Lopez reiterated that his concern is the opening, as the other walls are independent.

Mr. Kurzman asked him would he accept a mechanical closing.

After some discussion, Mr. Lopez stated that if they put an exterior door that is impact resistant this would suffice. The installation recommended was accepted by the appellant and the matter was tabled as a result of this agreement.

**APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, 200 Ocean Drive, SFBC 3204.2/NFPA 70, Emergency Elevator Power Operation**

Mr. Utterback advised the Board that this appeal was **withdrawn** by the appellant.

**APPEAL #3: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, Puerta de Palmas, 888 Douglas Road, SFBC 302.1, Permit Validity/Code Applicability**

Mr. Zeke Guilford, representative for the developer, stated that the issue is which code applies and proceeded to inform the members that the new owner was misinformed as to how long he had to submit a revision. He then requested that the Board allow them to use the South Florida Building Code, as there are no life safety concerns.

Mr. John Fullerton went into further detail and advised the Board that he submitted the plans three years ago and they made modifications to the plans. Mr. Fullerton commented that they did not pull a permit in waiting for the hearing today and the Fire Department did not have a problem. He further added that it would be costly to add the vestibules and this will also require relocating the parking.

Mr. Scott Ocker, developer of the property stated that in January 2001 they submitted the plans according to the old South Florida Building Code and it took two years to be approved and it was at this time the new Code was in place. He was told he had twelve months from March of last year to submit a revision and he stressed that this was not a structural issue; this is a building design and schedule issue.

Mr. Manuel Lopez, Building Official, City of Coral Gables remarked that they submitted more than one set of plans and then they changed ownership. He explained that the reviewers were reviewing the plans according to the new code and the parties involved were fully aware of that they had to add the vestibules.

Mr. Eddie Fernandez, Building Code Compliance stated that everything that was submitted to the City of Coral Gables was under the South Florida Building Code; he then cited Chapter 3, Section 302.1(f) 1 and 2 of the South Florida Building Code. Mr. Fernandez commented that staff concurs with the City of Coral Gables in the fact that the application is null and void.

Mr. Velazquez remarked that as long as the process is moving and on going they are in compliance.

Mr. Diaz clarified that the permit has to have been obtained within one year of the application date.

Mr. Kurzman asked about the change in ownership and were they aware that the permit was about to expire.

Mr. Guilford responded that the new owner went to the City and was told they had one year or submit a revision.

Asst. County Attorney, Stephanie Miller informed the members that the code is clear on this issue.

Mr. Velazquez commented that plans being submitted for review can take up to three years according to the size and scope of the work.

Asst. County Attorney stated that if the application was made after the Florida Building Code, then this code would apply.

Mr. Fullerton stressed to the Board that they made every effort to acquire a permit and the City held up the process.

Upon much discussion, Chief Virgil Fernandez moved to deny the appeal on the fact that the effective deadlines according to the South Florida Building Code were not met. Mr. Salvador seconded the motion.

**Motion carried. (Mr. Kurzman and Mrs. Garcia were opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, 814 Ponce De Leon Blvd., FBC 3401, Fire Wall Rating**

Mrs. Zully Ruiz stated that since the last meeting she has researched the code and after some reviewing she has decided to add the fire sprinklers.

Mr. Manuel Lopez, Building Official, City of Gables, cited two sections of the Code thinks that there is an error, as the firewall is not indicated in the section.

After some discussion, Mr. Horton moved to grant the appeal. Mr. Kurzman seconded the motion.

Mr. Pierce asked about the section being rated four-hours.

Mr. Lopez responded that they would need to find a UL listing that applies to this issue.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**TCO/TCC APPEALS**

Mr. Gomez left the room for this appeal.

**APPEAL #1: TCO EXTENSION, PERMIT NO. 1993278779, Unincorporated Miami Dade County, Miami International Airport – Concourse “H”**

Mr. Juan Gonzalez, Aviation Department commented that the Building Official for Unincorporated Miami Dade County feels that the process of compliance is taking too long, but in actuality 45% of the construction is complete. He explained that they are now in negotiation for a new supplier, as this is not an easy glass to obtain. He further added that there is an agreement with the Fire Department, as to safety and the public, and the planes have been moved back 75 feet.

Chief Virgil Fernandez asked why the Building Official didn't grant this extension, as there must be a reason for him not approving additional extensions.

After some discussion, Mr. Diaz moved to grant a 90-day extension and if MIA requests another extension the Fire Marshall must be present to address the life safety concerns of the Board members. Mr. Velazquez seconded the motion.

**Motion carried. (Chief Virgil Fernandez, Mr. Riley and Mr. Barnes were opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: TCO EXTENSION, PERMIT NO. B0100654, City of Miami Beach, Abkey No. 17, Inc., d/b/a Fuudruckers Grill and Bar, Permit #B0100654**

Mrs. Betty Avis was present on behalf of Abkey No. 17.

Mr. Velazquez moved to grant the extension according to the Building Official's recommendation. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: TCC EXTENSION, PERMIT NO. B0001114/BCC0000048, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, South Tower, Floors 2-15**

**APPEAL #4: TCC EXTENSION, PERMIT NO. B0001107/BCC0200350, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, Upper and Lower South Pool Deck and New Construction**

**APPEAL #5: TCC EXTENSION, PERMIT NO. B9904240/B0001112, City of Miami Beach, The Grand Flamingo, 1500 Bay Road, North Tower Including BCC0200288, BCC0200250, BCC0200047, BCC0100324 and BCC0200324**

Mr. Randy Bookbinder was present on behalf of The Grand Flamingo and informed the Board that there was an error to TCO #3 and stated it should read BCC0000048.

Mr. Utterback considered the correction noted.

Mr. Diaz moved to grant the extensions for The Grand Flamingo according to the Building Official's recommendation. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REPORT #1**

### **Certification of Inspectors/Plans Examiners for April**

#### **Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners**

Mr. Salvador then informed the members that the following individuals are being recommended for **approval** for **New Certification** for 2004.

#### **INSPECTOR:**

Agbenohevi, Emmanuel K.  
Bello, Jose  
Bolivar, Henrique E.  
Castañeda, Julio  
Kuiper, Robert L.  
Martinez, Candelario A.

Palacios, Jose  
Perez, Andres

Quicuti, Heriberto

#### **REPRESENTING:**

Miami-Dade County  
Miami-Dade County  
Miami-Dade County  
City of Hialeah  
Miami-Dade County  
City of Miami Beach

City of Hialeah Gardens  
Village of Biscayne Park

City of Miami Beach

#### **DISCIPLINES:**

Building Inspector (Structural)  
Building Inspector (Structural)  
Plumbing Inspector  
Chief Mechanical Inspector  
Building Inspector (Structural)  
Electrical Inspector  
Plans Examiner (Electrical)  
Chief Plumbing Inspector  
Mechanical Inspector  
Plans Examiner (Mechanical)  
Building Inspector (Structural)  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Plans Examiner (Building)

Mr. Velazquez moved to approve those individuals on the **New Certification** list. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**The Board took recess at 2:25 P.M. and reconvened at 2:41 P.M.**

Mr. Pierce left the room.

## **ADMINISTRATIVE HEARING #1 – Disciplinary Action/SFBC 201.7 – City of Miami Springs Code Certified Personnel-Code Violation**

Mr. Carter McDowell, representative for Mr. Annese, Mr. Longsdale and Mr. Sprovero handed the members a letter written by Mr. Annese dated April 12, 2004. He informed them that the letter indicates they retracted the final and re-issued a temporary CO and proceeded to go through the list of items requested by the Building Code Compliance Office (BCCO). Mr. McDowell went on to add that the City's record keeping is in the process of being re-constructed.

Mr. McDowell expressed that he was disappointed with the tenor of the presentation by BCCO staff and proceeded to give a background history of the facts to the members. He informed them that Mr. Sprovero became injured and went on disability and it was at this time, Mr. Annese stepped in as Acting Building Official for the City of Miami Springs. Mr. Sprovero then returns from disability leave, but returns to work for another municipality as a Building Official, leaving Mr. Annese in the acting position; Mr. McDowell characterized these changes in the personnel.

At this time, Mr. Utterback commented that certain members were not present at the last meeting and asked if they would like to hear the County's presentation once again to come up to speed with the findings on this issue.

Asst. County Attorney, Stephanie Miller informed the members that this is an Administrative Hearing for code certified personnel which is different from the State Contractor formal hearing process.

Mr. McDowell stated that Mr. Annese was working in a number of capacities within the City and was told that all the paperwork was in order pertaining to this matter.

Mr. Diaz asked about the Special Inspector and the letter of re-certification.

Mr. McDowell responded that they do not have that letter.

Mr. Salvador stated that BORA certifies these individuals and asked about the qualifications.

Mr. Velazquez asked about the special inspector logs.

Mr. Eduardo Fernandez, (Building) Code Compliance Specialist, clarified the reason these individuals were brought before the Board and stated that the BCCO received a complaint and then acted on it. Mr. Fernandez informed the Board that they had sent notices indicating their findings on this building, but never received any response from the individuals. He further commented that the letter submitted today, should have been done along time ago.

At this time, Mr. Utterback asked for the charges to be presented individually.

Mr. Fernandez then read the charges for Mr. Michael Sprovero and advised the Board that he was being charged with not responding to the request of action by the Building Code Compliance Office.

Chief Virgil Fernandez moved to find Mr. Sprovero **guilty** of the charges of not responding to the BCCO. Mr. Barnes seconded the motion.

**Motion failed 4 to 8.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Fernandez then read the charges for Mr. Sal Annese, who was being charged for giving a CO to the building without the proper documentation according to the South Florida Building Code, Chapter 3 and Section 307.2.1.

Mr. Velazquez moved to find Mr. Annese **innocent** of these charges. Mr. Diaz seconded the motion.

**Motion carried.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Fernandez read the charges for Mr. Nelson Longsdale and stated that he was being charged with approving deviation of product approval under the South Florida Building Code, Chapter 2, Section 204.2 and Chapter 2, Section 204.5B, that the Building Code Compliance Office should have approved such materials and product control.

Mr. Diaz moved to find Mr. Longsdale **innocent** of these charges. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Discussion:**

Mr. Craig Shapiro, attorney for the owner of the building, expressed his concern with the letter that was submitted by Mr. McDowell and Mr. Annese. He stated that the letter should be addressed to the contractor.

Mr. Annese informed the Board that he can revise the letter and put it in the name of the contractor.

Mr. Pierce returned to the meeting.

## **REPORT #2**

### **Contractor Enforcement Activity Update**

Mr. Danny Vuelta, Investigation Section provided a PowerPoint presentation on how enforcement staff monitors unlicensed contractors and proceeded to provide the Board with statistics in terms of tickets, road blocks and restitution. Mr. Vuelta also informed the Board that they have met with a representative of BellSouth Telephone Book to stress the importance of companies adding their license number to the advertisements. He further added that the Contractor Enforcement Section conducted a sting that morning that resulted in 16 citations.

## **EMERGENCY AGENDA**

Mr. Horton moved to hear the Emergency Agenda items. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, Lot 11 and 12, Blk 3, Interpretation of Rooftop Terrace Usage**

Mr. Nelson de Leon advised the Board that the second floor has a private dining area and the rooftop is divided. He stated that there is a 4-hour fire wall separation.

Mr. Kurzman questioned whether this is a Zoning issue.

Mr. Manuel Lopez, Building Official City of Coral Gables commented that this was a Building issue and informed the Board that this is an open terrace without walls. He added that because the building is on the property line, they can not have openings on the wall; he further added that there is a covenant the runs with the land.

Mr. Horton remarked that they needed a 1-hour fire rated wall.

Mr. Lopez commented that between zero and three feet they can not have openings and they must have a roof and walls or they can not use the place.

Mr. de Leon advised the Board that there is a restrictive covenant in place.

Mr. Pierce commented that he has seen many rooftop terraces and the primary concern is keeping people from falling over.

Mr. Harold Dwight, developer and owner of the property, commented that they own the adjacent property on the west and the property on the east is designated historic.

Mr. Velazquez remarked that the terrace is not permanent occupancy.

Mr. Barnes reminded the Board of a South Miami case that had a similar situation.

Mr. Gomez then asked for staff's opinion on this issue.

Mr. Kevin Carrier, (Fire) Code Compliance Specialist, Building Code Compliance Office informed the Board that Table 600 of the code only requires a 2-hour firewall, as opposed to NFPA 221 that addresses Cantilever Fire Wall and staff believes that their design would be Code compliant. Mr. Carrier further added that  $\frac{2}{3}$  of the roof is covered with separate ceiling.

Mr. Lopez advised the Board that he would take in effect the recommendation of staff.

Upon much discussion, Mr. Horton moved to uphold the Building Official's recommendation regarding the appellants request and have the appellant meet with the Building Official on possible staff alternative. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **TCO/TCC APPEALS**

### **APPEAL #1: TCO EXTENSION: Unincorporated Miami Dade County, Air France Relocation at MIA, MIA CCF 1, 2 3 Levels, Permit #2003-061895**

Mrs. Christy Elias commented that the extension was needed to complete additional work required by the Fire Department.

After some discussion, Mr. Kurzman moved to grant a 90-day extension. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #2: TCO EXTENSION: City of Miami Beach, Murano Grande, 400 Alton Road, Permit #B0103754**

Mr. Enrique Caravella was present on behalf of the Murano Grande.

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #3: TCC EXTENSION: City of Miami Beach, Colony Theatre Café/Segafredo Espresso, 1040 Lincoln Road, Permit #B0205128**

Mr. Graziano Sbroogio stated that the issue is that their sprinkler system is linked to the Colony Theater and they are unable to call for a final inspection until the theater is complete.

Mr. Goolsby requested additional information pertaining to the sprinkler system in place.

Mr. Azan commented that everything was within order at this structure.

Upon some discussion, Mr. Horton moved to grant a 60-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REGULAR AGENDA CONT...**

### **DISCUSSION: Chairperson and Vice Chairperson Election**

Mr. Diaz nominated Mr. Horton for Chairperson and Mr. Utterback for Vice-Chairperson of the Board of Rules and Appeals. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Meeting adjourned at 5:08 P.M.**

## MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 05-20-04

**Attendance:** Richard Horton, CH      Carmen Garcia      Edward Woodard      Rolando Diaz  
Enrique Salvador      John Kurzman      Robert Barnes      Jesus M. Gomez  
William Derrer      Arnold Velazquez      Chief Virgil Fernandez      Justin Manuel  
Alfonso Fernandez-Fraga, P.E.

**Excused:** Thomas Utterback, VC      Gregory Pierce      William Riley      William Strachan, (Ret. Chief)

**Staff Present:** Michael Goolsby, Acting Secretary      Stephanie Miller, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Lorena Ramos, Metro Dade Court Reporters

**Commenced at 1:14 P.M.**

Mr. Horton requested a motion of the Board to accept the **Consent Agenda** items.

*Mr. Diaz stepped out of the room.*

### CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. B9803560/BCO02055, Taplin**  
**APPEAL #2: TCO EXTENSION, PERMIT No. 2001101215, Brown**  
**APPEAL #3: TCO EXTENSION, PERMIT No. 2002003888, O'Connell**  
**APPEAL #4: TCO EXTENSION, PERMIT No. B0303717, Leonard and Whitle**  
**APPEAL #5, TCO EXTENSION, PERMIT No. B0103671, Reyes**  
**APPEAL #6: TCO EXTENSION, PERMIT No. B0203562, Nardi**

Mr. Woodward moved to grant the Consent Agenda items and Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### MINUTES OF APRIL 15, 2004

Mr. Horton indicated that the new draft copy of the minutes was provided and requested a motion to approve the minutes of the **April 15, 2005** meeting.

Mr. Kurzman moved to accept the minutes of the last meeting. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

*Mr. Diaz returned to the meeting.*

### REGULAR AGENDA

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, 200 Ocean Drive, SFBC 3204.2/NFPA 70, Emergency Elevator Power Operation**

Mr. Horton advised the members that this appeal was **withdrawn** at per the appellant's request.

**APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, 5775 Collins Avenue, Balcony Enclosure Permit Requirements**

Mr. Herminio Irizarry informed the Board that he is one of the owners of these units and the Notice of Violations were issued on March 2, 2004 by the City of Miami Beach. He explained that these violations existed prior to him purchasing his unit, where the enclosures were installed back in 1965. Mr. Irizarry went on to further add that the majority of the enclosures were covered by the original permit.

Mr. Kurzman stated that the statute of limitation would apply if the taxes were increased due to improvements to the structure.

Mrs. Rhonda Montoya-Hasaan, City of Miami Beach Attorney, addressed the statute of limitations rule and explained that this only pertains to Civil Action lawsuit, and, Notices of Violation, as such, do not fall within this area. Mrs. Montoya-Hasaan went on to explain the legal definition for the term *latches*.

Mr. Kurzman asked whether the City of Miami Beach be willing to grant a variance, so that the permits can be obtained.

Mrs. Montoya-Hasaan commented that there is only one unit owner appealing to the Commission.

At this time, Mr. Kurzman suggested to table this appeal until the outcome of the Zoning Variance hearing.

Mr. Philip Azan, Building Official of the City of Miami Beach, stated that the issue is whether the Planning Commission will approve it. He indicated that this is not related to granting of the enclosure, the issue is whether to remove the railings.

Mr. Barnes asked about the Notice of Violation and requested a description of the safety violations.

Mr. Azan remarked that there are only six permits for the six units documented.

Mrs. Montoya-Hassan stated that the original plan was permitted and defined the NOV process and that a lien could be placed on the property.

Mr. Diaz commented that he felt that the City can now legalize the balcony enclosures and does not believe tabeling this issue will help the situation.

Mr. Salvador asked about the safety issues on the six that are permitted.

Mr. Azan responded that a permit has been issued for the restoration and the railings are in place, as some of slabs are or have spawning.

Mr. Derrer asked Mr. Azan what he wanted the residents to provide.

Mr. Azan remarked that he wanted the residents to provide the as-built plans.

After much discussion, Mr. Diaz moved to deny the appeal since the balcony enclosures constitute a violation of the Florida Building Code Chapter 1, Section 101.4.2. Chief Virgil Fernandez seconded the motion.

#### **Discussion on the motion:**

Mr. Velazquez asked about the cooperation of the City and wanted to know if the City would consent.

Mr. Azan commented that they will have to demolish and then re-build and he will remove the double fee cost as well.

The property manager stated that they support the efforts of the City of Miami Beach and concurred with them that the railings are falling apart, thus prompting them to install protective barriers. She informed the Board that some of the permits are no longer in existence and they do not have the enclosures anymore. She stressed that the rebar is holding the balconies together and they need to demolish and replace the enclosures that remain.

Mrs. Nora Mesolon, Director of the property, stated that it is dangerous and they have to reconstruct this building.

Mr. Velazquez suggested to Mr. Irizarry withdraw his appeal.

Mr. Irizarry responded that there are several other owners that are affected by what the City is trying to do and these balconies can be repaired.

#### **Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **NOPA APPEAL – Appeal of Notice of Proposed Action/Removal of NOA 03-0612.10**

Mr. Theodore Berman, Deputy Director, advised the Board that this is an appeal that involves the misuse of the Notice of Acceptance (NOA) and showed the Board areas of the NOA that was added after the Building Code Compliance Office granted the approval. It was at this time that the altered NOA was used on the application for a permit.



Mr. Ferras informed the members that he was not aware that this case was before the Board today.

Mr. Berman remarked that this issue was brought to the Building Code Compliance Office, prior to the City of Miami issuing a permit.

Mr. Frank Zuloaga, Roofing Product Control Examiner, stated that there is a problem with the roof and they came in for a NOA and it was at this point that he noticed the alteration to the NOA.

Mr. Diaz stated that BCCO has no evidence and no facts or proof as to who is responsible for the alteration to the NOA.

Mr. Horton asked what the Board is being requested to do on this issue.

Mr. Berman asked that they remove the NOA.

Mr. Fernandez-Fraga questioned who was guilty for altering the NOA, since there is a letter from the manufacturer denying having anything to do with it.

Mr. Zuloaga clarified the facts and added that BORA approved the NOA, so therefore they have to be the ones to remove it and the misuse is currently corrected and the City of Miami is dealing with the roof portion. He added that perhaps this item should have been put on the agenda as Information.

### **TCO/TCC APPEALS**

#### **APPEAL #1: TCC EXTENSION, PERMIT NO. B00001111/BCO04169, City of Miami Beach, The Grand Flamingo, 1500 Bay Road**

Mrs. Kathleen O'Neal was present to represent The Grand Flamingo.

Mr. Salvador moved to grant a 90 day extension. Mr. Woodward seconded the motion the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **APPEAL #2: TCO EXTENSION, PERMIT NO. 9904387/BCO2135, City of Miami Beach, Blue and Green Diamond Condominiums, 4775 Collins Avenue**

#### **APPEAL #3: TCO EXTENSION, PERMIT NO. 9904387/BCO2136, City of Miami Beach, Blue and Green Diamond Condominiums, 4775 Collins Avenue**

#### **APPEAL #4: TCO EXTENSION, PERMIT NO. 9904387/BCO3158, City of Miami Beach, Blue and Green Diamond Condominiums, 4775 Collins Avenue**

#### **APPEAL #5: TCO EXTENSION, PERMIT NO. B0000104/BCO04174, City of Miami Beach, 100 South Pointe Drive/50 Biscayne Street**

Mr. Bob de la Fuente was present on behalf of the Blue and Green Diamond Condominiums and 100 South Pointe Drive.

Mr. Salvador moved to grant the extensions according to the Building Official's recommendations. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Mr. Diaz stepped out of the room.**

#### **APPEAL #6: TCO EXTENSION, PERMIT NO. B0000104/BCO04174, City of Miami Beach, Murano Grande, 400 Alton Road, Marina Townhomes**

#### **APPEAL #7: TCO EXTENSION, PERMIT NO. B0000104/BCO04174, City of Miami Beach, Murano Grande, 400 Alton Road, Alton Road Townhomes**

#### **APPEAL #8: TCO EXTENSION, PERMIT NO. B0000104/BCO04174, City of Miami Beach, Murano Grande, 400 Alton Road, Tower III Unit 3701**

#### **APPEAL #9: TCO EXTENSION, PERMIT NO. B0000104/BCO04174, City of Miami Beach, Murano Grande, 400 Alton Road, Tower III Unit 3001**

#### **APPEAL #10: TCO EXTENSION, PERMIT NO. B0000104/BCO04174, City of Miami Beach, Murano Grande, 400 Alton Road, Tower III Unit 3501**

#### **APPEAL #11: TCO EXTENSION, PERMIT NO. B0000104/BCO04174, City of Miami Beach, Murano Grande, 400 Alton Road, Tower III Units 3403 and 3503**

Mr. Velazquez moved to grant 90-day TCO extensions for the above-mentioned extensions. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #12: TCO EXTENSION, PERMIT NO. 01110367, City of Coral Gables, Gables Park Tower, 357 Almeria Avenue**

Mr. Mario Garcia-Serra was present on behalf of the Gables Park Tower located within the City of Coral Gables.

Mr. Velazquez moved to grant a 90-day extension for the **Gables Park Tower**. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**INTERPRETATION**

**Interpretation of the Florida Building Code – Extension of Permits**

Mr. Michael Goolsby stated that the issue involves whether a permit can be extended and referenced the South Florida Building Code and the Florida Building Code. He requested that the Board include these guidelines in this interpretation.

Mr. Phil Ward, Developmental Process Advisory Committee, (DPAC) clarified the specifics behind the interpretation and stated that the authority to extend a permit should be held by the Building Official.

Mr. Horton commented that anytime there is a deck statement, it should be presented to the Board of Rules and Appeals.

Mr. Goolsby then explained further the reasoning behind the interpretation and informed them that the permit could be extended prior to the expiration and asked that the Board accept the language.

***Mr. Diaz returned to the meeting.***

Mr. Kurzman asked could the language be written to show status quo.

***At 2:13 P.M. Mr. Diaz and Mr. Salvador stepped out of the room.***

Mr. Velazquez asked why the Board was getting into this area of permit extensions.

Mr. Goolsby remarked that the discussion arose as a result of the expired permit issue and this would allow them a way to complete these structures.

Upon much discussion, Mr. Velazquez moved to determine that the FBC does allow the Building Official to extend permits before they expire. Mr. Fernandez-Fraga seconded the motion.

***Mr. Diaz and Mr. Salvador returned to the meeting.***

Mr. Dale Lee, Building Official, City of North Miami commented that they needed to address the permits that were obtained under the South Florida Building Code.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**EMERGENCY AGENDA**

**TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION: Unincorporated Miami Dade County, Miami International Airport, Concourse A Building Phase III, Permit #1996055847**

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: TCO EXTENSION: City of Miami Beach, 5801 Collins Avenue, Permit #B010020**

After some discussion, Mr. Derrer moved to grant a 90-day extension. Chief Virgil Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: TCO EXTENSION: City of Miami, Coral View, 2980 S.W. 22 Street, Permit #01-5019491**

Mr. Joe Ferras, Building Official of the City of Miami, advised the Board that he would like to see closure to this permit.

Upon some discussion, Mr. Horton moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: TCC EXTENSION: City of Miami Beach, Colony Theatre Café, 1040 Lincoln Road, Permit #B0205128**

Mr. Azan informed the Board that the sprinklers are no longer required for this structure.

After some discussion, Mr. Salvador moved to grant a 60-day extension. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Discussion: Mechanical Inspector Scope**

Chief Virgil Fernandez informed the Board that he has a problem with the certified Mechanical Inspectors overruling the Fire Department. He explained that the mechanical inspectors must have a fire certificate to inspect these sprinklers and they are approving them without possessing this certificate, as this does not fall within their certification.

Mr. Horton suggested sending this item to the **Certification Subcommittee** to be discussed further.

After some discussion, Mr. Salvador moved to send to Certification Subcommittee. Mr. Velazquez seconded the motion.

**Discussion:**

Mr. Don Robertson commented that they have to pay two permit fees, fire and mechanical. He stressed the strain of going back and forth from the County.

Chief Fernandez stated that there was a deck statement that they must be State Certified Inspectors to inspect the sprinkler systems.

Mr. Horton asked does the certification require that you are certified to inspect the mechanical part.

Mr. Velazquez stated the issue is how to perform the work.

Chief Fernandez stated that he did not oppose the inspection; just that they must have the proper certificate.

Mr. Pete Quintela, (Mechanical) Code Compliance Specialist, remarked that according to Statue 633, one must report to the Fire Marshall and to also balance the authority.

Mr. Kevin Carrier, (Fire) Code Compliance Specialist, stated that the Fire Marshall has the final authority and sprinkler systems are not a mechanical issue.

Mr. Quintela commented that the mechanical inspectors certified through the Board can not do sprinklers.

Mr. Dale Lee stated that the Fire Inspector can not install a sprinkler and believes that both inspectors are a necessity.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**REPORT #1**

**Quality Assurance Manual Guidelines**

Mr. Berman requested the Board's approval for the Quality Assurance Manual Guidelines (QAMG) and explained that BCCO has to audit these agencies within 12 months to monitor if they are abiding by the quality assurance requirements. He further added that in the past BCCO has provided inspectors to visit the companies and view the processing of the manufacturing.

Mr. Velazquez requested time to review the QAMG, as he would like to make sure everything is in order.

Mr. Jerry Hernandez, BCCO Quality Assurance Manager, stated that this manual is to level the playing field and to control the input and output of the process.

Mr. Derrer asked does the manual establish criteria.

Mr. Berman responded "yes."

Mr. Derrer further commented that the language should be clear in stating that the NOA shall not be doctored or altered.

Mr. Hernandez remarked that this language could be added in the manual.

After some discussion, the Board granted Mr. Velazquez additional time to review the QAMG to assure that everything was in tact.

## **REPORT #2**

### **Certification of Inspectors/Plans Examiners for May**

#### **Certification Subcommittee Recommendations – Certification of Building Officials, Inspectors, and Plans Examiners**

Mr. Salvador informed the members that the following individuals are being recommended for **approval** for **New Certification** for 2004.

#### **INSPECTOR:**

Cronin, John C.  
Deso, Jr., David  
DuQuesne, Pedro J.  
Fernandez, Mariano V.  
Figueredo, David  
Garcia, Reynaldo J.  
Gutierrez, Jorge A.  
Jhonson, Don W.

#### **REPRESENTING:**

City of Miami Beach  
City of Hialeah  
City of Miami Beach  
City of Aventura  
City of North Bay Village  
Miami-Dade County  
City of Hialeah  
Town of Golden Beach

#### **DISCIPLINES:**

Chief Plumbing Inspector  
Mechanical Inspector  
Building Inspector (Structural)  
Building Official  
Electrical Inspector  
Building Inspector (Structural)  
Plans Examiner Plumbing  
Chief Electrical Inspector  
Plans Examiner Electrical  
Chief Electrical Inspector  
Chief Electrical Inspector  
Plans Examiner (Building)  
Plans Examiner (Structural)  
Chief Mechanical Inspector  
Mechanical Inspector  
Plans Examiner (Mechanical)  
Mechanical Inspector  
Plans Examiner (Building)  
Plans Examiner (Structural)  
Plans Examiner (Building)  
Building Inspector (Structural)  
Building Inspector (Structural)  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Plans Examiner (Building)  
Plumbing Inspector  
Building Inspector (Structural)  
Chief Mechanical Inspector  
Plans Examiner Mechanical

Partovi, Mohammed R.

City of Sunny Isles Beach  
Bal Harbour Village  
City of North Miami

Perez, Jan Pierre

Town of Surfside

Saez, Jose A.  
Semino, Freddy  
Sutherland, Wayne A.

City of Hialeah  
Miami-Dade County  
City of Homestead

Tarafa, Rene F.

City of North Miami

Torres, Nilo  
Viciedo, Adalberto  
Wallace, Robert A.

City of Miami Beach  
Town of Miami Lakes  
Town of Golden Beach

Mr. Diaz moved to grant the above-mentioned individuals **New Certification** for **2004**. Mr. Gomez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then announced that the following individuals are being recommended for **rejection** for **New Certification** for **2004**.

**INSPECTOR:**

Kramen, Alan R.

Sutherland, Wayne A.

Viciedo, Adalberto

**REPRESENTING:**

City of Sunny Isles Beach

City of Homestead

Town of Miami Lakes

**DISCIPLINES:**

Chief Electrical Inspector

Electrical Inspector

Plans Examiner (Electrical)

Roofing Inspector (Commercial)

Roofing Inspector (Residential)

Roofing Inspector (Commercial)

Roofing Inspector (Residential)

Plans Examiner (Building)

Mr. Alan Kramen informed the Board that he thought his license would reciprocate to Dade County and asked that they accept his qualifications, as he took the exam in 1994 and passed. He explained to the members that he became a Journeyman in 1971 and he would like to work for the City of Sunny Isles.

Mr. Salvador remarked that Mr. Kramen is more than qualified, but in Dade County they must have a license for five years in Dade County. He also informed the Board that Mr. Kramen obtained his State license two years ago.

Mr. Horton clarified that Mr. Kramen needed the experience to be in Dade County.

Mr. Diaz responded that the qualifications must be applied.

Mr. Salvador requested clarity from Broward County.

Mr. Oriol Torres-Haage commented that he contacted Broward County and they informed him that they could work out of Broward County.

Mr. Salvador mentioned to the members that the Certification Subcommittee was split on this decision.

Asst. County Attorney Stephanie Miller advised the Board that they could not waive the County Commission's recommendations.

Mr. Horton suggested that this area of concern should go before the Construction Trades Qualifying Board.

Mr. Vuelta explained to the Board that in 1996 or 1997 meetings began on this issue and reciprocity came from the date it was issued, as the State of Florida 409 has other requirements.

Mr. Kramen further explained that he has held a State and Broward County Masters license for 10 years and his qualifications far exceed what is written.

Mr. Diaz asked do they have the authority to accept the Broward license experience.

Asst. County Attorney Stephanie Miller answered "no." The Board of County Commissioners (BCC) is the only one who can change these requirements.

Mr. Diaz suggested issuing Mr. Kramen a temporary license.

Mr. Barnes also suggested writing a letter to the BCC requesting that this area be re-visited for changes.

Mr. Horton stated that the letter should come from the CTQB.

Mr. Velazquez asked that the language be very clear when addressing this issue.

Upon much discussion, Chief Fernandez then moved to **reject** Mr. Sutherland, Wayne A. with the City of Homestead and Mr. Viciedo Adalberto with the Town of Miami Lakes, who was not present at the hearing. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

***Chief Fernandez and Mr. Woodward left for the day at 3:20 P.M.***

**Request for Interpretation: A/C License Contractors as Inspectors.**

Mr. Pete Quintela requested that the Board of Rules and Appeals provide an interpretation of Chapter 8, Article II, Section 201 as amended by Ordinance 01-225 relating to the licensing requirements for Mechanical Inspectors.

After some discussion, the Board determined that it would accept applicants for Mechanical Inspector Certification from individuals who are licensed under the State of Florida, Chapter 489, as contractors in the following Mechanical categories: "Mechanical", "Class A air-conditioning", "Class B air-conditioning" and "Sheet metal."

**INFORMATION**

Mr. Goolsby took the opportunity to introduce Mark Zehnal, who is now assuming the position of (Roofing) Code Compliance Specialist, Building Code Compliance Office.

The Board welcomed Mr. Zehnal.

**REPORT #3**

**Contractor Enforcement Activity Update**

Mr. Danny Vuelta, Investigation Section provided a PowerPoint presentation on how enforcement staff monitors unlicensed contractors and proceeded to provide the Board with statistics in terms of tickets, road blocks and restitution. He further added that the Contractor Enforcement Section has collected \$15,000 dollars in Administrative cost for the Building Code Compliance Office.

**Meeting adjourned at 3:35 P.M.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 06-17-04

**Attendance:** Richard Horton, CH      Thomas Utterback, VC      Carmen Garcia      Enrique Salvador  
John Kurzman      William Derrer      Arnold Velazquez      William Riley

**Excused:** Gregory Pierce      Robert Barnes      Jesus M. Gomez      Justin Manuel  
Chief Virgil Fernandez      Edward Woodard      Rolando Diaz  
Alfonso Fernandez-Fraga, P.E.      William Strachan, (Ret. Chief)

**Staff Present:** Michael Goolsby, Acting Secretary      Stephanie Miller, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Lorena Ramos, Metro Dade Court Reporters

**The meeting commenced at 1:25 P.M. without a quorum.**

At this time, Mr. Horton advised the audience that the Board was awaiting member quorum requirements, but the Board will proceed with items on the agenda that do not require formal action.

He then proceeded to call for the Contractor Enforcement Activity Update by Mr. Danny Vuelta of the Building Code Compliance Office.

## **REPORT #1**

### **Contractor Enforcement Activity Update**

Mr. Danny Vuelta, Investigation Section provided the Board with statistics in terms of tickets, road blocks and restitution. He further added that the Contractor Enforcement Section has collected \$12,683 dollars in administrative cost.

Mr. Riley commended Mr. Goolsby and Mr. Vuelta on their last road block. He indicated that he liked the way the process was conducted and the way that they handled themselves.

## **INFORMATION**

Mr. Arnold Velazquez asked about a Structural Engineer being added to the Board.

Mr. Horton responded that he has someone interested, but they need to go through the channels of the process to be added to the Board.

**At this time the board took a recess to discuss quorum requirements with the County Attorney and reconvened at 1:43 P.M.**

Mr. Horton then announced that the TCO/TCC extensions would be ratified at the next board meeting of **July 15, 2004** and they will be retroactively extended.

Mr. Robert Fine, Esq. representative for several items on the regular agenda, requested that a letter be sent to the Building Official's indicating the circumstances of today's meeting. He would like the letter to further clarify that no action should be taken until the next meeting is conducted.

County Attorney, Stephanie Miller stated that the Secretary of the Board can only indicate in the letter the lack of quorum for the meeting today.

Mr. Kurzman remarked that he concurred with Mr. Fine in the fact that a detailed letter should be sent to the Building Official's indicating such language.

Mrs. Miller clarified that the no official direction could be provided for the Building Official.

Mr. Fine then asked could there possibly be an emergency meeting set to hear these items.

Mr. Horton stated that the Building Official could exercise their discretion for the events of today.

Mr. Joe Ferras, Building Official City of Miami, asked could the letter be written as a stay of action.

Mr. Utterback stated that the letter could come from the Secretary or the Chairperson of the Board.

Mr. Horton then directed that a letter be prepared for his signature or the Secretary indicating the events of today's meeting.

Mr. Jim Belizzi stood and informed the Board that he had an appeal item on the agenda and asked them could he present some of his appeal today.

Mr. Horton informed him that there must be a full quorum to hear his appeal.

**NON-AGENDA ITEM: City of Miami Beach**

Mrs. Rhonda Montoya-Hasaan, Senior City Attorney, City of Miami Beach, stated that the City of Miami Beach has a declaratory statement issue on State Statue 489 and the Building Official has interpreted this section to allow use of one primary qualifier. She added that they have been working with the State board and asked could they consider different legal entities.

Mr. Kurzman stated that the Building Services Administrator oversees all trades.

Mrs. Montoya-Hasaan clarified that they would like to have two different qualifiers.

Mr. Vuelta stated that there are some municipalities that have their own qualifier.

Mr. Horton commented that only one qualifier was needed.

Mr. Salvador remarked that ultimately the person who signed the permit is responsible.

**Meeting adjourned at 2:01 P.M.**



# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 07-15-04

**Attendance:** Richard Horton, CH      Thomas Utterback, VC      Carmen Garcia      Enrique Salvador  
John Kurzman      William Derrer      Arnold Velazquez      William Riley  
Robert Barnes      Jesus M. Gomez      Justin Manuel      Rolando Diaz  
Edward Woodard      Chief Virgil Fernandez

**Excused:** Gregory Pierce      Alfonso Fernandez-Fraga, P.E.      William Strachan, (Ret. Chief)

**Staff Present:** Michael Goolsby, Acting Secretary      Stephanie Miller, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnik, Metro Dade Court Reporters

**The meeting commenced at 1:21 P.M.**

## MINUTES OF MAY 20 AND JUNE 17, 2004

Mr. Horton requested of the Board a motion to approve the minutes of the **May 20 and June 17, 2004** meetings.

Mr. Salvador moved to accept the minutes of the above-mentioned meetings. Mr. Woodward seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then requested a motion of the Board to accept the **Consent Agenda** items.

### CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 02010260, Ertel**

**APPEAL #2: TCO EXTENSION, PERMIT No. 01031165, Longone**

**APPEAL #3: TCO EXTENSION, PERMIT No. 01090192, Tien**

Mr. Velazquez moved to approve the Consent Agenda items and Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

***Mr. Diaz stepped out of the room.***

Mr. Horton informed the members that item **Nos. 15 and 17** of the regular agenda will be heard by the Board, he then requested a motion to accept the **Emergency Consent Agenda** and the **Regular Agenda TCO/TCC Appeal** items.

### EMERGENCY CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 03-945, Price**

**APPEAL #2: TCO EXTENSION, PERMIT No. 03-534, Price**

**APPEAL #3: TCO EXTENSION, PERMIT No. 03-401, Price**

**APPEAL #4: TCO EXTENSION, PERMIT No. 00-145, Price**

**APPEAL #5: TCO EXTENSION, PERMIT No. 02-1129, Price**

**APPEAL #6: TCO EXTENSION, PERMIT No. 2002028727, Broit**

**APPEAL #7: TCO EXTENSION, PERMIT No. 00-5020020, Glasser**

**APPEAL #8: TCO EXTENSION, PERMIT No. 00-5020023, Glasser**

**APPEAL #9: TCO EXTENSION, PERMIT No. 00-5020563, Glasser**

**APPEAL #10: TCO EXTENSION, PERMIT No. B0401202, Burgio**

### REGULAR AGENDA TCO/TCC APPEALS

**APPEAL #1: TCO EXTENSION, PERMIT No. 2000071997, Vellejo**

**APPEAL #2: TCO EXTENSION, PERMIT No. B8800095, Fine**

**APPEAL #3: TCO EXTENSION, PERMIT No. 02030121, Griffin**

**APPEAL #4: TCO EXTENSION, PERMIT No. 02030120, Griffin**

**APPEAL #5: TCO EXTENSION, PERMIT No. B9700865/BCO01061, Bloomberg**

**APPEAL #6: TCO EXTENSION, PERMIT No. 00100163, De Rojas**

**APPEAL #7: TCC EXTENSION, PERMIT No. B0001114/BCC0000048, O'Neal**

**APPEAL #8: TCC EXTENSION, PERMIT No. B0001112/BCC0200351, O'Neal**

**APPEAL #9: TCC EXTENSION, PERMIT No. B0001107/BCC0200350, O'Neal**  
**APPEAL #10: TCO EXTENSION, PERMIT No. B0001111/BCO04169, O'Neal**  
**APPEAL #11: TCO EXTENSION, PERMIT No. 01-250, McGraw**  
**APPEAL #12: TCO EXTENSION, PERMIT No. 99090011, Lopez-Castro**  
**APPEAL #13: TCO EXTENSION, PERMIT No. 01-5010199, Fine**  
**APPEAL #14: TCO EXTENSION, PERMIT No. B0100654, Upegui**  
**APPEAL #16: TCO EXTENSION, PERMIT No. BMS0103654, Yates**  
**APPEAL #18: TCO EXTENSION, PERMIT No. B0302049, Randazzo**

Mr. Velazquez moved to approve the Emergency Consent Agenda and Regular TCO/TCC Appeal items and Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then requested a motion to approve the Emergency Agenda TCO/TCC Appeal items.

#### **EMERGENCY AGENDA TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT No. 2002035805, Fernandez**  
**APPEAL #2: TCO EXTENSION, PERMIT No. B0000104/BCO04174, de la Fuente**  
**APPEAL #3: TCO EXTENSION, PERMIT No. B9904387/BCO2136, de la Fuente**  
**APPEAL #4: TCO EXTENSION, PERMIT No. B9904387/BCO3158, de la Fuente, (Tower I)**  
**APPEAL #5: TCO EXTENSION, PERMIT No. B9904387/BCO3158, de la Fuente, (Tower II)**  
**APPEAL #6: TCO EXTENSION, PERMIT No. B00001902/BCO01044, de la Fuente**  
**APPEAL #7: TCC EXTENSION, PERMIT No. B0205128, Sbroggio**  
**APPEAL #8: TCO EXTENSION, PERMIT No. B0000750, Penny**

Mr. Velazquez moved to approve the Emergency Agenda TCO/TCC items and Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **REPORT #1**

##### **Certification Subcommittee for July 2004**

The following individuals are being recommended for **approval** for **New Certification** for **July 2004**.

#### **INSPECTOR:**

Alvarez, Elio  
Alvarez, Jorge

Arronte, Ramon L.

Causley, Michael T.

Charnin, Michael D.  
Devilme, Jean Socrate  
Earl, Jr., George J.

#### **REPRESENTING:**

Indian Creek Village  
Village of Pinecrest

Village of El Portal

City of Miami Springs

City of North Miami

Miami-Dade County  
Miami-Dade County  
City of North Miami

#### **DISCIPLINES:**

Chief Electrical Inspector  
 Building Inspector (Structural)  
 Roofing Inspector (Commercial)  
 Roofing Inspector (Residential)  
 Building Inspector (Structural)  
 Building Official  
 Chief Building Inspector  
 Roofing Inspector (Commercial)  
 Roofing Inspector (Residential)  
 Plans Examiner (Building)  
 Building Inspector (Structural)  
 Building Official  
 Chief Building Inspector  
 Roofing Inspector (Commercial)  
 Roofing Inspector (Residential)  
 Plans Examiner (Building)  
 Mechanical Inspector  
 Plans Examiner (Mechanical)  
 Plans Examiner (Plumbing)  
 Plumbing Inspector  
 Mechanical Inspector  
 Plans Examiner (Building)  
 Plans Examiner (Plumbing)  
 Plumbing Inspector

Esposito, Thomas E.	City of North Miami Beach	Building Inspector (Structural) Plans Examiner (Building) Roofing Inspector (Commercial) Roofing Inspector (Residential)
Fatora, Robert J.	Miami-Dade County	Plans Examiner (Building)
Fernandez, Mariano V.	Town of Surfside	Building Official
Garcia, Roman M.	City of Hialeah	Plans Examiner (Building)
Guzman, Enrique I.	Village of Key Biscayne	Chief Electrical Inspector
Hernandez, Robert	City of North Miami	Plans Examiner (Plumbing) Plumbing Inspector
Lindgren, Clifford J.	City of Sunny Isles Beach	Chief Mechanical Inspector
Munoz, Harry	Town of Surfside	Building Inspector (Structural) Building Official Chief Building Inspector Roofing Inspector (Residential)
Ogden, Michael T.	City of North Miami	Plans Examiner (Building) Plans Examiner (Plumbing) Plumbing Inspector
Pinna, Sean C.	Village of Pinecrest	Mechanical Inspector Plans Examiner (Mechanical)
Poirier, Jr., Raymond J.	City of North Miami	Electrical Inspector Plans Examiner (Electrical)
Quintana, Osiris	Village of El Portal	Plans Examiner (Structural) Plans Examiner (Building)
Ratner, Thomas E.	City of Miami Beach	Building Inspector (Structural)
Reczek, Dariusz R.	City of Coral Gables	Chief Electrical Inspector Building Inspector (Structural) Plans Examiner (Structural)
Vargas, Angel L.	City of Aventura	Chief Building Inspector
Whitaker, James M.	Village of Key Biscayne	Chief Electrical Inspector

Mr. Salvador also mentioned that **Mr. Daniel Fernandez, Mr. Alan Kramer** and **Mr. Harry Munoz** were being removed from the rejection list and are being **added** to the list for New Certification.

Mr. Velazquez moved to approve the above-mentioned for New Certification, including Mr. Fernandez, Mr. Kramer and Mr. Munoz. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

The following individuals are being recommended for **rejection** for **New Certification** for **July 2004**.

<u><b>INSPECTOR:</b></u>	<u><b>REPRESENTING:</b></u>	<u><b>DISCIPLINES:</b></u>
<del>Fernandez, Daniel R.</del>	<del>City of Coral Gables</del>	<del>Electrical Inspector Plans Examiner (Electrical)</del>
<del>Figuroa, Frank P.</del>	<del>City of Sweetwater</del>	<del>Plans Examiner (Plumbing) Plumbing Inspector</del>
<del>Kramer, Alan R.</del>	<del>City of Sunny Isles Beach</del>	<del>Chief Electrical Inspector Electrical Inspector Plans Examiner (Electrical)</del>
<del>Munoz, Harry</del>	<del>Town of Surfside</del>	<del>Roofing Inspector (Commercial)</del>
Navia, Jesus	City of Sunny Isles Beach	Roofing Inspector (Commercial)

Mr. Salvador moved to reject the above-mentioned individuals **New Certification** for **July 2004**. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Discussion Item: Mechanical Inspectors performing sprinkler inspections**

Mr. Salvador brought forth an issue that was open for discussion at the Certification meeting earlier that morning and proceeded to inform the members that there was an issue regarding Florida Statute 633 (Fire Sprinkler License). He stated that Unincorporated Miami-Dade County is performing these inspections under Chapter 9 of the Florida Building Code and that this is causing dual inspections and permit fees. Mr. Salvador further mentioned that unincorporated Miami-Dade County is the only municipality performing this inspection.

Mr. Velazquez commented that Mr. Danger requested a declaratory statement on this matter and this should be addressed as an interpretation.

Mr. Charles Danger, Building Official, Unincorporated Miami-Dade County stated that this issue came about when the new code was implemented and for many years mechanical divisions were performing these inspections, as they are certified by Florida Statute 468, he commented that there is no overlap and he has nothing to do with Florida Statute 633. He further added that he does not have a conflict with the Fire Marshall, but the State has acknowledged the conflict. He then wrote another deck statement trying to obtain an opinion on whether he should continue to enforce the mechanical area of the sprinkler inspection. Mr. Danger continued to add that they were always able to work things out accordingly, as this area is now not added in Chapter 8. He expressed that once he gets the order to cease performing this inspection he will do so.

### ***Mr. Diaz returned to the meeting.***

Chief Virgil Fernandez expressed his concerns and stated that inspectors must be certified under Florida Statute 633 and that double taxation is an issue. He stated that there is a mechanical component to sprinkler systems, as well as sanitation and life safety. He commented that in 2000 the State implemented a declaratory statement citing that the Fire Department will handle this area. He added that jobs are being held up, due to the decision on who will inspect the job and standards and guidelines are an issue. Chief Fernandez expressed that these inspections are not being performed by the correct personnel.

Mr. Kurzman remarked that both sides are correct in their stance; however Tallahassee needs to respond to this issue. He then suggested sending a letter to the County Attorney for a response.

Mr. Danger suggested that a resolution could be sent from the Board of Rules and Appeals.

Chief Fernandez stated that NFPA 13 is enforced by the Fire Marshall and Florida State Statute 633 is very clear on this issue, but in the meantime individuals are being affected by this.

Mr. Danger responded that he does not agree with Chief Fernandez and his staff is working under the Building Official's license and this is not just the sprinkler heads or the fire suppression.

Mr. Horton clarified that the issue is the fees.

Mr. Danger stated that the average cost for this inspection is \$176.00; the Fire departments fees are much higher. He reiterated once again that when he is informed to cease doing this inspection he will do so.

After some discussion, Mr. Utterback moved to send a resolution to the State within 60-days detailing the issue at hand. Mr. Kurzman seconded the motion.

### **Discussion:**

Mr. Buddy Dewar, National Fire Sprinkler Association, stated that he wrote a lot of the statutes in Florida Statute 633 and he differs with Mr. Danger in the role of enforcement. Mr. Dewar commented that the State is concerned with life safety and personnel conducting these inspections must be licensed and certified as an inspector. He further added that the State has already responded to this issue and there is no value being added; just cost.

Mr. Danger stated that they do not perform fire safety inspections.

Mr. Horton commented that they should let them work things out until they provide a deck statement to the State.

Mr. Danger commented that other municipalities are conducting this inspection.

Mr. Jeff Collins, City of Palm Beach, stated that they work with eight officials and they consolidate and in their area the Building Official recognizes that Florida Statute 633 governs them to inspect this area and no other agency looks beyond this inspection.

Mr. Danger stated that he must hear from the State.

Mr. Goolsby informed the members that the next Florida Building Commission was in August 2004.

Mr. Horton added to the motion regarding the letter that the letter is sent under his signature as well as Mr. Herminio Gonzalez, Secretary to the Board of Rules and Appeals.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

At this time, Chief Virgil Fernandez moved to cease inspections until a declaratory statement is reviewed. Mr. Salvador seconded the motion.

**Discussion:**

Mr. Diaz asked if the Board have the authority to tell the Building Official not to do certain mandatory inspections by the code.

Mrs. Stephanie Miller, Asst. County Attorney, answered “no”, due to the wording of the motion.

Mr. Horton clarified that they do not have the authority.

Mr. Velazquez offered a friendly amendment to Chief Fernandez motion and added that they interpret that the inspections for fire sprinklers fall under the Florida Statute 633 and therefore do not have to be made by inspectors licensed under 468. Chief Fernandez accepted the amendment.

Asst. County Attorney reiterated that there is a conflict with Florida Statutes 468 and 633; she informed the board that this would be outside of their scope.

**At this time, she deemed the Board’s motion out of order.**

**EMERGENCY AGENDA**

**APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Miami Beach, Annika Nightclub, 1532 Washington Avenue, , Accessibility Requirements**

Mr. Joshua Enan informed the Board that the mezzanine is the issue and Mr. Azan did grant an extension, however the denial is that there is no vertical accessibility. Mr. Enan commented that the wheelchair lift and other ADA requirements are met; therefore he requested that the Board reverse the City of Miami Beach’s decision to demand handicap accessibility requirements and allow them the chance to apply to the State for a waiver.

Mr. Kurzman inquired about this area being open to the public.

Mrs. Rhonda Montoya-Hasaan, City of Miami Beach Attorney, explained to the members that the appellant would like a waiver to open the club, but the City objects to the accessibility requirements.

Mr. Philip Azan, Building Official, City of Miami Beach, advised the Board that the applicant does not want to apply to the vertical accessibility area of the code. He advised the Board that the owner of club was given the option to apply for a waiver and the Building Department agreed to accept a hold-harmless agreement and in March 2004 holds were put on all TCO extensions and the agreement was signed by the owner. He further advised the members that he was asked to release the accessibility requirement until the waiver was granted.

After some discussion, Mr. Kurzman moved to deny the appeal and affirmed the decision of the Building Official in issuing a Temporary Certificate of Occupancy excluding the mezzanine area, which does not afford vertical accessibility. Mr. Velazquez seconded the motion.

**Discussion on the motion:**

Mr. Luis Varela remarked that this structure is a single-story building and for the last ten years it has been owned by different owners. He advised the members that they are scheduled to open tomorrow and they have a TCO that does not include the mezzanine, which is only there for looks.

Mr. Kurzman stated that this area can not be used by all parties and the handicap must be able to have access.

Mr. Enan added that ADA was not an issue and this structure is under three-stories and an elevator is not required. He stated that the Florida Statue mandates a waiver of such and if the cost exceeds, then the wheelchair lift cost is governed. He added that they are confident they will acquire the waiver and the City of Miami Beach has the authority to grant the TCO.

Mr. Azan read an opinion into the records from Kathy Butler and stated that until they have the ability to apply for the waiver this is his stance.

Mr. Enan added that the 20% rule applies to this issue and proceeded to read 553.55.2 into the records, as well the area on economic hardships.

Mr. Velazquez remarked that vertical accessibility is excluded in the 20% rule.

Mr. Horton reiterated that the City of Miami Beach would like for the appellant to obtain the waiver.

Mr. Enan informed the Board that they will not use the staircase up to the mezzanine and they have since added a handicap bar on the first floor. Mr. Enan stated that the whole process could take up to six weeks and this would prevent him from opening. Mr. Enan advised the Board that they have a hearing on August 30, 2004 and remarked that there are no safety issues involved.

Mr. Utterback stated that this area must have 100% accessibility.

Mr. Rene Fraga, Building Code Compliance Specialist (ADA), commented that waivers now have to be approved by the State.

Mr. Azan added that a TCO was issued for the first floor.

Mr. Kurzman asked who would be held liable if something were to happen at this location.

Mr. Varela answered that his client has released the City of Miami Beach through a hold-harmless letter.

Mrs. Montoya-Hasaan replied "yes" the City of Miami Beach would be held liable.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**REGULAR AGENDA**

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami-Dade County, 14201 S.W. 142 Street, Expired Permit**

Mr. James Belizzi informed the members that this case started in 2000 when he began to receive Notice of Violations. He explained that in 1992 his building was condemned and at this time he went to the Building Department and asked what could be done to rectify this problem; he indicated that he was told to put up a fence. It was at this time that he received notices informing him that he did not pull a permit for the fence installation. Mr. Belizzi explained to the members that he was provided with different information about how to comply with this issue; he asked that the Board rule that the Building Official is incorrect.

Mr. Horton advised Mr. Belizzi that the first six months of the permit include work and an inspection.

Mr. Kurzman also explained the permitting process to Mr. Belizzi and added that when you obtain a permit sometimes you can not commence work right away.

Mr. Diaz stated that Mr. Belizzi needed to converse with the Building Official.

Mr. Horton read into the records Mr. Belizzi's question to the Board.

Mr. Salvador commented that a permit should have been obtained for the work done in 1992.

Mr. Belizzi reiterated that he was told by the Building Official that he did not need a permit, as well as Zoning, all of which informed him differently.

After much discussion, Mr. Velazquez moved to deny the appeal and rule in favor of the Building Official's decision regarding the expiration of the fence permit, also in requiring a permit for the installation of a commercial chain link fence. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REGULAR AGENDA TCO/TCC APPEALS**

### **APPEAL #15: TCO EXTENSION: Unincorporated Miami Dade County, Centro Campesino Farmworkers Center, 35801 S.W. 186 Avenue, Permit #1995049753**

Mr. Anthony Buford stated that at the moment bids and funding is an issue and explained that the bids are twice the amount expected. He commented that they will now have to re-submit the bids and the elevator installation will take an additional four to six months.

Mr. Gomez asked did they obtain a contractor.

Mr. Buford answered "yes".

After some discussion, Mr. Gomez moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

***Mr. Gomez stepped out of the room.***

### **APPEAL #17: TCO EXTENSION: Unincorporated Miami Dade County, MIA – Concourse H Renovations, Miami International Airport, Permit #1993278779**

Mr. Juan Gonzalez with the Aviation Department stated that they were awaiting the proposal, which would be available within one week and added that he felt comfortable that the UL will be approved as well.

Chief Virgil Fernandez noted that the Building Official has denied any additional extensions for this project.

After some discussion, Mr. Velazquez moved to approve a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried. (Chief Virgil Fernandez was opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Discussion No. 1: Roof Top Terrace, FBC Table 600 FBC Sec 705, Fire Resistance Ratings**

Mr. Nelson de Leon with Locus Architecture stated that he requested this interpretation to discuss the use of a roof-top terrace as a dining area, of which no cooking would be done in this area. Mr. de Leon informed the Board that they have met with the City of Coral Gables on numerous occasions and proceeded to read from a letter dated May 26, which described what exactly would be done at this location. He further explained that the second level has an exercise area and one side is a two-story commercial structure and the deck below is for parking.

Chief Fernandez asked are they going to cover the rails to obtain the required rating.

Mr. de Leon answered "no"; the metal area is not sprinkled. They just want to know whether they could use this area at all.

Mr. Kevin Carrier, Building Code Compliance Specialist (Fire), commented that there are no statutes that state Mr. de Leon could not do what he is doing and the Building Official stated that he would oblige with the Board.

Chief Fernandez commented that the Fire Department may have issues with the metal area.

Mr. de Leon advised the Board that he has met with the City of Coral Gables Fire Department.

Upon discussion, Mr. Salvador moved to grant the appeal and Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Probable Cause: Contractor Enforcement Division**

Mr. Danny Vuelta, Supervisor, Contractor Enforcement Division advised the Board that **compliance** has been met for **Rafuls & Associates Construction Co., Inc., Richard Rafuls, Qualifying Agent**.

Mr. Vuelta further added that the second case referencing **JAM Builders, Inc., William J. Mack, Qualifying Agent** still has an expired permit for 20000058400. He advised the board to set this case for Formal Hearing within 90 days.

Mr. Edward Villareal with Unincorporated Miami-Dade County remarked that they have agreed to renew the permit.

After some discussion, Mr. Utterback moved to send this case to Formal Hearing within 90-days. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Discussion No. 2: Quality Assurance Manuel**

Mr. Velazquez moved to accept the **Quality Assurance Manuel** as written. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Information: Building Inspector Status – Jeri Goodkin, City of Miami Beach**

The members were presented with a status report on Jeri Goodkin informing them that she was no longer employed by the City of Miami Beach as a Building Inspector (Structural) and Roofing Inspector (Commercial and Residential).

The Board acknowledged the receipt of this information.

### **Report #3 – Bi-Annual Sunset Review Report**

Mr. Salvador moved to accept the Bi-Annual Sunset Review Report as written and Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **EMERGENCY AGENDA**

#### **APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Miami, Opera Tower 1750 North Bayshore Drive, Permit #02000342**

Mr. Jeff Bercow advised the Board that this was a 56-story tower and the appeal is on permit issuance. He added that in mid-June they were informed that the building permit would not be issued and this will be very costly for his client.

Mr. Utterback moved to hear the appeal and Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Bercow continued with his appeal and stated that it took one year and nine months for the plans to be approved and the application was submitted on February 27, 2002 and the code was still in effect. He cited Section 4 of Ordinance No. 01-112 pertaining to effectiveness of permit applications. He added that the City processed this application repeatedly after February 27, 2003 and the owner has spent well over \$250,000 in attorney fees and a million in additional fees and impact labor. Mr. Bercow advised the Board further that they could have resubmitted under the Florida Building Code if they were informed sooner.

After some discussion, Mr. Velazquez moved to grant the appeal in favor of the appellant that the South Florida Building Code must govern this construction. Chief Fernandez seconded the motion.

### **Discussion:**

Mr. Jose Ferras, Building Official, City of Miami, stated that their system is about 10 years behind and he was not made aware until November 26, 2003, which was that last time he had seen these plans.

Mr. Velazquez commented that the ordinance states one year.

Mr. Diaz asked Mr. Ferras was the permit ready to be obtained.



Mr. Ferras responded “yes”.

Mrs. Stephanie Miller, Asst. County Attorney, read from Section 104.5.1.3 of the Florida Building Code.

Mr. Bercow stated that this ordinance was meant to apply to the applications submitted prior to the Florida Building Code.

Mrs. Stephanie Miller, Asst. County Attorney, commented that the language under this ordinance should be reversed and she disagrees with their interpretation.

Mr. Velazquez asked that the County Attorney’s office review these ordinances.

Mrs. Miller responded that she will look into changing the language.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: APPEAL OF BUILDING OFFICIAL: City of Coral Gables, 1114 Genoa Street, Permit Requirements**

Mr. Oscar Cortina stated that the screen enclosure was completed 30 years and the City of Coral Gables can not find the permits or drawings, only the ones from 1954. He advised the Board that they submitted as-built drawings, but the City wants all of the tests. Mr. Cortina added that 1 ½ years ago he added a new roof, which was approved by the City of Coral Gables.

Mr. Horton asked how this case came about.

Mr. Cortina commented that he sold the property and the new owner inquired about the addition being part of the original structure.

Mr. Goolsby advised the Board that with certain guidelines the Amnesty Ordinance would apply if they wanted to make this addition legal. He further commented that he had spoken with the Building Official who would like them to comply under the new code, but it is the code in effect at the time the structure was built.

Mr. Barnes commented that this is a common problem which creates major hardships.

Mr. Cortina remarked that he was told the addition was already there, even through Hurricane Andrew.

After some discussion, Mr. Velazquez moved to grant the appeal in favor of the appellant. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Meeting adjourned at 4:31 P.M.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 09-16-04

**Attendance:** Richard Horton, CH Thomas Utterback, VC Carmen Garcia Enrique Salvador  
William Derrer Robert Barnes Jesus M. Gomez Rolando Diaz  
Edward Woodard Chief Virgil Fernandez Alfonso Fernandez-Fraga, P.E.

**Excused:** Gregory Pierce John Kurzman Justin Manuel  
Arnold Velazquez William Riley William Strachan, (Ret. Chief)

**Staff Present:** Herminio F. Gonzalez, Secretary  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick, Metro Dade Court Reporters

**The meeting commenced at 1:15 P.M.**

## MINUTES OF JULY 15, 2004

Mr. Horton requested of the Board a motion to approve the minutes of the **July 15, 2004** meeting.

Mr. Woodward moved to accept the minutes of for the July 15, 2004 meeting. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then requested a motion of the Board to accept the **Consent Agenda** items.

### CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. B0303717, Whitley**  
**APPEAL #3: TCO EXTENSION, PERMIT No. 2001101215, Brown**  
**APPEAL #4: TCO EXTENSION, PERMIT No. B0100654, Upegui**  
**APPEAL #5: TCC EXTENSION, PERMIT No. B0205128, Palmer Holding**

Mr. Barnes moved to approve the Consent Agenda items and Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then addressed the items on the Regular Agenda for TCO/TCC Appeals as follows:

### REGULAR AGENDA TCO/TCC APPEALS

**APPEAL #1: TCO EXTENSION, PERMIT No. B0102255, Simpson**  
**APPEAL #2: TCO EXTENSION, PERMIT No. BCO02303, Puig**  
**APPEAL #3: TCC EXTENSION, PERMIT No. B0001112, O'Neal**  
**APPEAL #4: TCC EXTENSION, PERMIT No. B0001107, O'Neal**  
**APPEAL #5: TCC EXTENSION, PERMIT No. B0001111, O'Neal**  
**APPEAL #6: TCC EXTENSION, PERMIT No. B0001114, O'Neal**  
**APPEAL #7: TCO EXTENSION, PERMIT No. B0103671, Reyes**  
**APPEAL #8: TCO EXTENSION, PERMIT No. B0000931, Grendene**  
**APPEAL #9: TCO EXTENSION, PERMIT No. 99090011, Lopez-Castro**

Mr. Diaz moved to grant an extension for the above-mentioned **TCO/TCC appeal Nos. 1-9**. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then informed the members that item **No. 10 – Village of Merrick Park** would be heard by the Board.

**APPEAL #10: TCO EXTENSION, Martin**  
**4425 Ponce De Leon Blvd.-Permit # 00110089**  
**4251 Salzedo Street, #1325-Permit # 03060367**  
**4425 Ponce De Leon Blvd. #1625-Permit # 03030152**  
**342 San Lorenzo Avenue #1000 – Permit # 02080400**  
**342 San Lorenzo Avenue #1005 - Permit # 02050103**

342 San Lorenzo Avenue #1020 – Permit # 02080233  
342 San Lorenzo Avenue #1025 – Permit # 03110491  
342 San Lorenzo Avenue #1030 – Permit # 02080398  
342 San Lorenzo Avenue #1035 – Permit # 02100575  
342 San Lorenzo Avenue #1045 – Permit # 02050364  
342 San Lorenzo Avenue #1050 – Permit # 02070018  
342 San Lorenzo Avenue #1055 – Permit # 02080224  
342 San Lorenzo Avenue #1080 – Permit # 02080362  
342 San Lorenzo Avenue #1090 – Permit # 03020150  
342 San Lorenzo Avenue #1095 – Permit # 02070112  
342 San Lorenzo Avenue #1100 – Permit # 02100541  
342 San Lorenzo Avenue #1105 – Permit # 02070468  
342 San Lorenzo Avenue #1110 – Permit # 02090310  
350 San Lorenzo Avenue #2005 – Permit # 02070037  
350 San Lorenzo Avenue #2010 – Permit # 02060542  
350 San Lorenzo Avenue #2020 – Permit # 02080093  
350 San Lorenzo Avenue #2025 – Permit # 02056236  
350 San Lorenzo Avenue #2030 – Permit # 02070180  
350 San Lorenzo Avenue #2100 – Permit # 02060536  
350 San Lorenzo Avenue #2110 – Permit # 02070325  
350 San Lorenzo Avenue #2115 – Permit # 02100529  
350 San Lorenzo Avenue #2125 – Permit # 02070532  
350 San Lorenzo Avenue #2130 - Permit # 02088119  
350 San Lorenzo Avenue #2135 – Permit # 02050466  
350 San Lorenzo Avenue #2200 – Permit # 02080096  
350 San Lorenzo Avenue #2205 – Permit # 02070191  
350 San Lorenzo Avenue #2220 - Permit # 02050276  
358 San Lorenzo Avenue #3025 – Permit # 02070490  
358 San Lorenzo Avenue #3030 – Permit # 02080396  
358 San Lorenzo Avenue #3110 – Permit # 02070492  
358 San Lorenzo Avenue #3120 – Permit # 02090236  
358 San Lorenzo Avenue #3125 – Permit # 02070603  
358 San Lorenzo Avenue #3135 – Permit # 02080540  
358 San Lorenzo Avenue #3140 - Permit # 02080539  
358 San Lorenzo Avenue #3200 – Permit # 02070489  
358 San Lorenzo Avenue #3205 – Permit # 02070602  
358 San Lorenzo Avenue #3210 – Permit # 02060490  
358 San Lorenzo Avenue #3215 – Permit # 02070608  
358 San Lorenzo Avenue #3225 – Permit # 02070493  
358 San Lorenzo Avenue #3230 – Permit # 02070491  
320 San Lorenzo Avenue #1210 – Permit # 02110296  
320 San Lorenzo Avenue #1215 – Permit # 02100579  
320 San Lorenzo Avenue #1220 – Permit # 02070148  
320 San Lorenzo Avenue #1225 – Permit # 03040285  
320 San Lorenzo Avenue #1240 – Permit # 070095  
320 San Lorenzo Avenue #1250 – Permit # 02080622  
320 San Lorenzo Avenue #1320 – Permit # 02070115  
320 San Lorenzo Avenue #1255 – Permit # 02080542  
330 San Lorenzo Avenue #2300 – Permit # 02080678  
330 San Lorenzo Avenue #2302 – Permit # 02080348  
330 San Lorenzo Avenue #2315 – Permit # 03010134  
330 San Lorenzo Avenue #2320 – Permit # 02070624  
330 San Lorenzo Avenue #2325 – Permit # 02080201  
330 San Lorenzo Avenue #2335 – Permit # 02110425  
330 San Lorenzo Avenue #2327 – Permit # 0207634  
330 San Lorenzo Avenue #2345 – Permit # 02080097  
360 San Lorenzo Avenue #1440 – Permit # 02080523  
360 San Lorenzo Avenue #1502 – Permit # 03100426  
360 San Lorenzo Avenue #1505 - Permit # 02080537  
360 San Lorenzo Avenue #1510 – Permit # 02080354  
360 San Lorenzo Avenue #1520 -- Permit # 02110055

360 San Lorenzo Avenue #1525 - Permit # 02070541  
 370 San Lorenzo Avenue #2400 – Permit # 02080229  
 370 San Lorenzo Avenue #2415 – Permit # 02080461  
 370 San Lorenzo Avenue #2422 – Permit # 02080139  
 370 San Lorenzo Avenue #2425 – Permit # 02070411  
 370 San Lorenzo Avenue #2430 – Permit # 02080225  
 370 San Lorenzo Avenue #2435 – Permit # 02080122  
 370 San Lorenzo Avenue #2445 – Permit # 02080685  
 370 San Lorenzo Avenue #2450 – Permit # 02080598  
 370 San Lorenzo Avenue #2455 – Permit # 02080599  
 370 San Lorenzo Avenue #2460 – Permit # 02080600  
 4425 Ponce De Leon Blvd #118 - Permit # 02050516  
 4401 Ponce De Leon Blvd #1605 – Permit # 02050334  
 4425 Ponce De Leon Blvd #200 – Permit # 02050282  
 4425 Ponce De Leon Blvd #240 - Permit # 02100069  
 4425 Ponce De Leon Blvd. -Permit # 03010272  
 4425 Ponce De Leon Blvd.-Permit # 03020054  
 4425 Ponce De Leon Blvd. -Permit # 02110241  
 4425 Ponce De Leon Blvd.-Permit # 0202110074  
 4665 LeJeune Road # 1700-Permit # 02067057

Mr. Horton further advised the Board the Mr. Manny Lopez, Building Official for the City of Coral Gables has stated that this is the last extension for this project.

Mr. Bill Rowe, Senior Project Manager, advised the Board that they are nearing completion and have hired additional staff and consultants to work on this project and they intend to finalize everything by November.

After some discussion, the Board moved to grant a 90-day extension for the Village of Merrick Park items.

**Motion carried unanimously.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **INFORMATION #1:**

##### **City of Miami Beach Item**

Mr. Guy Dorais, Representative for new owners Sandy Lane Group LLC, for property located at **2301 Collins Avenue** on the Regular Agenda advised the members that Mr. Keith Simpson is no longer the construction manager for the property. Mr. Dorais further remarked that there are life safety items to be addressed; however this area is no longer occupied. He further added that only the exterior railings remain to be finalized.

The Board considered themselves noted.

#### **REPORT #1**

##### **Certification Subcommittee for September 2004**

The following individuals are being recommended for **approval** for **New Certification** for **September 2004**.

#### **INSPECTOR:**

Anillo, Jorge A.

Annese, Richard

Annese, Salvatore D.

Ascunce, Sergio T.

Bacchus, Lancelot N.

Barbier, William C.

Barcia, Ramon J.

Bender, Danald H.

Blanco, Luis A.

#### **REPRESENTING:**

Town of Miami Lakes

Village of Palmetto Bay

Town of Miami Lakes

Village of Palmetto Bay

City of Miami Springs

City of Doral

City of Miami Beach

Miami-Dade County

City of Florida City

City of Homestead

City of Miami Beach

#### **DISCIPLINES:**

Electrical Inspector

Plans Examiner Electrical

Electrical Inspector

Plans Examiner Electrical

Roofing Inspector (Residential)

Roofing Inspector (Residential)

Building Inspector (Structural)

Building Official

Building Inspector (Structural)

Mechanical Inspector

Building Inspector (Structural)

Roofing Inspector (Residential)

Plumbing Inspector

Mechanical Inspector

Cangianelli, Charles	Bay Harbor Islands	Building Inspector (Structural) Building Official Roofing Inspector (Residential) Plans Examiner Building
Carriero, Scott F.	Miami-Dade County	Roofing Inspector (Commercial) Roofing Inspector (Residential) Chief Mechanical Inspector Plans Examiner Structural Electrical Inspector Plans Examiner Electrical Chief Electrical Inspector Electrical Inspector Electrical Inspector Plans Examiner Electrical Building Inspector (Structural) Plans Examiner Building Chief Building Inspector Electrical Inspector Plans Examiner Electrical Mechanical Inspector Plans Examiner Plumbing Plumbing Inspector Building Inspector (Structural) Building Inspector (Structural) Building Official Roofing Inspector (Commercial) Roofing Inspector (Residential) Plans Examiner Building Plumbing Inspector Plans Examiner Plumbing Chief Plumbing Inspector Chief Plumbing Inspector Plans Examiner Plumbing Plans Examiner Electrical Chief Electrical Inspector Building Inspector (Structural) Plans Examiner Building Building Inspector (Structural) Building Inspector (Structural) Chief Plumbing Inspector Chief Mechanical Inspector Chief Mechanical Inspector Mechanical Inspector Plans Examiner Mechanical Chief Mechanical Inspector]
Cobo, Jose Cuervo, Leon A. De Young, Darrell G.	City of Sunny Isles Beach Miami-Dade County City of North Miami Beach	
Delgado De Oramas, Jose Dieguez, Ernesto Durr, James H.	Village of El Portal Miami-Dade County City of Hialeah	
Earl, Jr., George J. Ferrer, Alina T. Gutierrez, Juan Guzman, Enrique I.	City of North Miami Miami-Dade County City of Hialeah Village of Key Biscayne	
Hernandez, Alexander Janas, Robert A.	City of Sunny Isles Beach City of Miami Beach	
Lage, Eugenio J. Lanza, Carlos	Village of Pinecrest Town of Miami Lakes	
Levy, Ronald M. Lindgren, Clifford J.	City of Miami Beach Bay Harbor Islands Village of Key Biscayne	
Lindgren, Jr., John C.	Bay Harbor Inlands	
Lopez, Maria J. Madsen, Paul R. Mahtabfar, Ardeshir	Miami-Dade County City of Doral City of Miami Beach	
Martin, Eduardo McCann, Richard J. Palacios, Jose Perez, Jan Pierre	Miami-Dade County City of Florida City Village of El Portal City of Aventura City of North Miami Beach	
	Town of Miami Lakes	
Perez, Luis R. Pousa, Felix J.	City of Miami Beach Town of Miami Lakes	
	Village of Palmetto Bay	
Reed, Edwin W.	Town of Medley	
Regula, Ronald	City of North Miami	
Rodriguez, Jesus R.	Village of El Portal	

Sariego, Jorge L.	City of Florida City	Mechanical Inspector
	Village of Palmetto Bay	Mechanical Inspector
Silveira, Silvio A.	City of Hialeah	Building Inspector (Structural)
		Plans Examiner Building
Tarafa, Rene F.	Village of El Portal	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner Building
Wallace, Robert A.	Village of Pinecrest	Chief Mechanical Inspector
		Plans Examiner Mechanical
Zara, Peter L.	City of Hialeah	Roofing Inspector (Commercial)
		Roofing Inspector (Residential)

Mr. Salvador moved to grant **New Certification** for the above-mentioned individuals. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

At this time, Mr. Jorge Gamoneda informed the Board that there was a correction to the Certification agenda and stated that Mr. Stephen Pizzillo has been reinstated for Chief Inspector (Roofing), not Plans Examiner.

Mr. Salvador then announced that the following individuals are being recommended for **rejection** for **New Certification** for **September 2004**.

**INSPECTOR:**

Annese, Richard

Cangianelli, Charles A.

Hernandez, Alexander

McCann, Richard J.

Prelaz, Marino

Sariego, Jorge L.

**REPRESENTING:**

Town of Miami Lakes

Village of Palmetto Bay

Bay Harbor Islands

City of Sunny Isles Beach

City of Florida City

City of Miami Beach

City of Florida City

**DISCIPLINES:**

Roofing Inspector (Commercial)

Roofing Inspector (Commercial)

Roofing Inspector (Commercial)

Chief Mechanical Inspector

Plans Examiner Mechanical

Roofing Inspector (Commercial)

Plumbing Inspector

Plans Examiner Mechanical

Mr. Salvador then moved to **reject** the above-mentioned individuals for **New Certification** for **September 2004**. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton informed the members that item **No. 2** of the consent agenda was moved to the regular agenda and would be heard by the Board.

**CONSENT AGENDA TCO EXTENSION**

**APPEAL #2: TCO EXTENSION, PERMIT No. 01-5003324, Glasser**

Mr. Jose Ferras, Building Official, City of Miami advised the Board that the issue with JMH is concerning the synchronizing of the fire alarm and the strobe lights.

After some discussion, Mr. Utterback moved to grant an extension for 90-days from today. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**INFORMATION #2:**

**Mechanical Sprinkler**

Mr. Herminio Gonzalez, Secretary, Board of Rules and Appeals advised the Board that the Florida Building Commission addressed the Mechanical Sprinkler issue and informed them that Kevin Carrier would further address them on this issue.

Mr. Kevin Carrier, Building Code Compliance Specialist (Fire), advised the Board that the Florida Building Commission rejected the request for the declaratory statement on this issue, citing that the decision must first be addressed at the local Board level. He further added that the Commission stated that there would be a joint committee made up with members of the Fire Prevention Code Advisory

Committee and the Florida Building Commission Fire Technical Advisory Committee this October 2005 and they will address the issue of duplication of jurisdiction on Code issues.

Mr. Horton suggested that this item is placed on the agenda once again and that everyone is notified of this issue.

**INFORMATION #3:**

Mr. Gonzalez added that the Florida Building Commission delayed the implementations of the changes to the Code until July 1 of 2005. He further added that they reviewed Chapter 8 and the changes that the Board made were also approved.

**Meeting adjourned at 2:32 P.M.**



# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 10-21-04

**Attendance:** Richard Horton, CH Thomas Utterback, VC John Kurzman Justin Manuel  
Enrique Salvador William Derrer Jesus M. Gomez Rolando Diaz  
Chief Virgil Fernandez Arnold Velazquez William Strachan, (Ret. Chief)

**Excused:** Gregory Pierce Edward Woodard William Riley Robert Barnes  
Carmen Garcia Alfonso Fernandez-Fraga, P.E.

**Staff Present:** Michael Goolsby, Secretary  
Maria Artista-Volsky, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick, Metro Dade Court Reporters

**The meeting commenced at 1:20 P.M.**

## MINUTES OF SEPTEMBER 16, 2004

Mr. Horton requested of the Board a motion to approve the minutes of the **September 16, 2004** meeting.

Mr. Kurzman moved to accept the minutes of for the September 16, 2004 meeting. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then requested a motion of the Board to accept the **Consent Agenda** items, with the exception of **Appeal #1 – Colony Theatre Café – 1040 Lincoln Road**, which will be heard by the Board.

### CONSENT AGENDA

**APPEAL #2: TCO EXTENSION, PERMIT No. BCO01118/B0004881, Fischbach**

**APPEAL #3: TCO EXTENSION, PERMIT No. 2002028727, Broit**

**APPEAL #4: TCO EXTENSION, PERMIT No. BCO01044, Baloyra**

**APPEAL #5: TCO EXTENSION, PERMIT No. B0000931/BCO08087/BCO08097, Grendene**

Mr. Kurzman moved to approve the Consent Agenda items as announced by Mr. Horton. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then heard **TCC Appeal #1 - Colony Theatre Café – 1040 Lincoln Road**.

### CONSENT AGENDA

**APPEAL #1: TCC EXTENSION, PERMIT No. B0205128, Sbroggio**

Mr. Kevin Carrier, Building Code Compliance Specialist (Fire) stated that this theatre is going through renovation and the Building Official has advised the contractor of the changes to be made.

Mr. Phil Azan, Building Official, City of Miami Beach commented that he would modify the request to 30-days.

At this time, Mr. Kurzman moved to grant a 30-day extension, in accordance with the Building Official's recommendation. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### REGULAR AGENDA APPEAL

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Aventura, 3020-3029 N.E. 188 Street, Permit BL04-499, Vertical Accessibility**

Mr. Horton announced that this appeal has been **withdrawn** per the appellant.

**REGULAR AGENDA TCO/TCC APPEALS**

**APPEAL #1: TCO EXTENSION, PERMIT No. 01090192, Yife**

Mrs. Jessica Panels advised the Board that she represented the contractor and stated that they have been having problems with the architect and there were small revisions that needed to be addressed.

After some discussion, Mr. Salvador moved to grant a 90-day extension retroactive from September 15, 2004. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: TCO EXTENSION, PERMIT No. B0103868, Yates**

Mr. Emsley Yates advised the Board that there were ownership changes and they needed additional time.

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3 TCO EXTENSION, PERMIT No. 200308974, Broit**

After some discussion, Chief Virgil Fernandez moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: TCO EXTENSION, PERMIT No. 02-5016046, Fine**

Mr. Mario Garcia-Serra advised the Board that the extension was needed to complete tenant spaces for the hotel area and offices.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #5: TCO EXTENSION, PERMIT No. 01-5010199, Fine**

After some discussion, Mr. Salvador moved to grant a 90-day extension. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #6: TCO EXTENSION, PERMIT No. 00100163, Sfeir**

Mr. Pablo Arce commented to the members that they were awaiting the engineer's drawings.

After some discussion, Mr. Velazquez moved to grant a 90-day extension. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #7: TCO EXTENSION, PERMIT No. 01-1430, McGraw**

After some discussion, Mr. Velazquez moved to grant a 90-day extension retroactive from September 22, 2004. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #8: TCO EXTENSION, PERMIT No. BCO000146, Fine**

**APPEAL #9: TCO EXTENSION, PERMIT No. B8800095, Fine**

Mr. Mario Garcia-Serra advised the Board that the extension was needed to complete the balcony repairs that are ongoing; therefore he requested 45 to 60 days to assure compliance.

After some discussion, Mr. Kurman moved to grant an extension for the above-mentioned **TCO/TCC Appeal Nos. 8 and 9**. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #10: TCC EXTENSION, PERMIT No. 2002-0188, Kopetman**

Mr. Ray Anthony Sutton remarked that during the last extension, Zoning rejected the inspection due to two columns that are located outside the property line, they were going to apply for a variance, but was told this was not possible. He mentioned that they are now in the process of removing the columns.

After some discussion, Mr. Salvador moved to grant a 30-day extension. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #11: TCO EXTENSION, 1993278779, Delgado**

Mr. Juan Gonzalez stated that they are in the process of getting the plans drawn and they are getting a proposal from UL, which will take six weeks of testing, but they expect for everything to be completed by September 2005.

Mr. Horton then advised the Board that this extension has been denied by the Building Official.

Mr. Michael Goolsby commented that the Board has to the authorization to address additional extension requests after the Building Official has granted the initial extension.

After some discussion, Chief Fernandez moved to deny the extension in accordance with the Building Official. He cited that the Building Official believes that this is not safe. Mr. Salvador seconded the motion.

**Discussion:**

Mr. Diaz reminded the Board that this issue is about a year and half old and suggested that the make progress.

Mr. Derrer asked about completion timeframes.

Mr. Gonzalez remarked that they had a contractor for the safety glass, which they can not use, they needed a special glass.

**Motion died.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

At this time, Mr. Horton suggested that in lieu of time they continue with the agenda and return for discussion on this matter.

**REGULAR AGENDA TCO/TCC APPEALS**

**APPEAL #12: TCC EXTENSION, B0001107/BCC0200350, Sanger**

**APPEAL #13: TCC EXTENSION, B0001112/BCC0200351, Sanger**

**APPEAL #14: TCC EXTENSION, B0001107/BCC0200350, Sanger**

Mr. Dan Sanger commented that they are in the process of converting the TCO into a TCC within the next few days, the paperwork is the only thing pending. He stated that the extension in question is to expire later on.

Mr. Eddie Fernandez, Building Code Compliance Specialist (Building) advised the Board that the TCO expired on August 20, 2004.

Mr. Azan remarked that he would grant an additional extension for 60-days to carry them through December.

After some discussion, Mr. Utterback moved to grant a 60 days extension retroactive from August 20, 2004. He then granted an additional 60-day extension to run from October 20<sup>th</sup> to December 20<sup>th</sup>, 2004 based on the expansion date. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #15: TCO EXTENSION, 02060588, Collins**

Mr. Burton Hersh and Robert Wennett informed the Board that they needed 90-days to install additional life safety systems, which the tenants were to be responsible for this work.

After some discussion, Mr. Velazquez moved to grant a 90-day extension. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #16: TCO EXTENSION, B0401202, Burgio**

Mr. Velazquez moved to grant a 90-day extension and Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #17: TCO EXTENSION, 9904387/BCO2135/BCO2136/BCO3158, Baloyra**

Mrs. Patricia Baloyra advised the members that they are working to meet ADA requirements.

After some discussion, Mr. Velazquez moved to grant a 90-day extension. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #18: TCO EXTENSION, B0000104/BCO04174, Baloyra**

Mrs. Patricia Baloyra advised the members that they are working to meet ADA requirements.

After some discussion, Mr. Kurzman moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. James Brewster was also present on behalf of the owner for The Grand Flamingo.

**APPEAL #11 continued: TCO EXTENSION, 1993278779, Delgado**

Chief Fernandez stated that the Building Official has gone on record with his recommendation not to grant anymore extensions for this.

After some discussion, Mr. Utterback moved to grant a 30-extension and have this item return to the next Board hearing with the presence of the Building Official. Mr. Diaz seconded the motion.

**Discussion:**

Mr. Gonzalez stated that these were approved plans that were supported by the Fire Chief.

Mr. Kurzman suggested that they look at fire sprinklers and the glass specifications, were they tested for temperature range.

Mr. Gonzalez responded that this system was approved and UL listed.

Mr. Velazquez requested a friendly amendment to Mr. Utterback's motion to add that the Fire Department also submits a report about the safety of Concourse H.

Mr. Utterback accepted this amendment.

**Motion carried. (Chief Fernandez was opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Jorge Delgado remarked that they would provide the report with the degrees of heat.

**REPORT #1**

**Certification Subcommittee for October 2004**

The following individuals are being recommended for **approval** for **New Certification** for **October 2004**.

**INSPECTOR:**

Abin, Ricardo  
Alvarez, Elio

Anillo, Jorge A.

Annese, Richard

Bassing, Thomas J.

Blanco, Orlando L.  
Cangianelli, Charles A.  
Causley, Michael T.

DeJonge, David A.

Fuego, Victor R.  
Guasp, Jorge  
Gutierrez, Jorge A.

Kruger, Eduardo  
Lage, Eugenio J.

McCann, Richard  
Menendez, Tomas F.

Monzo, Rafael E.

Naumann, Carlos A.

Navia, Jesus

Ogden, Michael T.

Palacio, Eliezer

Perez, Jan Pierre

Ramos, Aurelio J.

Regalado, Reinaldo  
Regula, Ronald

Rivas, Angel R.

Rodriguez, Raul V.

**REPRESENTING:**

Miami-Dade County  
City of Miami Gardens

City of Sweetwater

City of Miami Gardens

City of North Miami  
City of Miami Gardens

City of Miami Gardens  
Bay Harbor Islands  
City of Miami Gardens

City of Miami Gardens

Village of Pinecrest  
City of Miami Gardens  
City of Doral

City of Hialeah Gardens  
City of Miami Gardens  
City of Coral Gables

City of North Miami  
City of Miami Gardens

City of Hialeah

City of Doral  
City of Miami Gardens  
City of Miami Gardens

City of Miami Gardens  
City of North Miami  
City of Miami Gardens

City of Doral  
City of Miami Gardens  
City of Miami Gardens

City of Opa-Locka  
City of Miami Gardens

City of Miami Gardens

City of Miami Gardens

**DISCIPLINES:**

Plans Examiner Electrical  
Electrical Inspector  
Plans Examiner Electrical  
Electrical Inspector  
Plans Examiner Electrical  
Building Inspector (Structural)  
Roofing Inspector (Residential)  
Building Inspector (Structural)  
Plans Examiner Plumbing  
Plumbing Inspector  
Plans Examiner Structural  
Roofing Inspector (Commercial)  
Plans Examiner Plumbing  
Plumbing Inspector  
Plans Examiner Plumbing  
Plumbing Inspector  
Chief Building Inspector  
Chief Electrical Inspector  
Chief Plumbing Inspector  
Plans Examiner Plumbing  
Plumbing Inspector  
Plans Examiner Plumbing  
Plans Examiner Structural  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Plans Examiner Building  
Building Inspector (Structural)  
Electrical Inspector  
Plans Examiner Electrical  
Electrical Inspector  
Plans Examiner Electrical  
Plans Examiner Structural  
Plans Examiner Structural  
Building Inspector (Structural)  
Chief Building Inspector  
Plans Examiner Building  
Roofing Inspector (Residential)  
Chief Plumbing Inspector  
Chief Plumbing Inspector  
Building Inspector (Structural)  
Plans Examiner Building  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Chief Mechanical Inspector  
Chief Mechanical Inspector  
Building Inspector (Structural)  
Plans Examiner Building  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Building Inspector (Structural)  
Mechanical Inspector  
Plans Examiner Mechanical  
Building Inspector (Structural)  
Plans Examiner Building  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Building Official

Rubi, Richard  
Tarafa, Rene F.

City of Opa-Locka  
City of Doral

Building Inspector (Structural)  
Building Inspector (Structural)  
Chief Building Inspector  
Plans Examiner Building  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Building Inspector (Structural)  
Plans Examiner Building  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Plans Examiner Structural  
Plans Examiner Building

Valdes-Linares, Manuel

City of Hialeah Gardens

Vinas, Tony G.

City of Miami Springs  
Miami-Dade County

Mr. Diaz moved to grant **New Certification** for the above-mentioned individuals. Chief Fernandez seconded the motion.  
**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

At this time, Mr. Goolsby advised the members that the Board of County Commissioners adopted Article II of Chapter 8.

## **REPORT #2**

### **Update on Requests for Clarification from FBC and Attorney General Office on Sprinkler Inspections and Mechanical Inspector Certification**

Mr. Kevin Carrier, Building Code Compliance Specialist (Fire), provided an update on the declaratory statement and commented that the Florida Building Commission rejected the declaratory statement and returned the issue back to local board to rule on it. He further added that they provided results from the Florida Building Official's Association and the responsibilities of the Building Official.

Chief Fernandez remarked that the subcommittee made a recommendation that there was no need for a mechanical inspector to perform the inspection. He reminded the Board that Florida State Statute 633 says "a State Certified Fire Inspector under the Fire Marshall must conduct the inspection."

Mr. Carrier informed the members that the Building Official's Association agreed in general with this interpretation as cited by Chief Fernandez and in 2000 this same declaratory statement was sent back.

Asst. County Attorney, Maria Artista-Volsky read the requirements into the records of Florida State Statute 633.081 – Subsection 2 (State Fire Marshall).

## **Discussion:**

The Asst. County Attorney advised the board that maybe they should entertain more discussion prior to ruling on the issue.

Mr. Harold Schoendorf, Unincorporated Miami-Dade County stated that it is the Building Official's responsibility to the Building Code.

At this time, Mr. Horton remarked that there needed to be proper notification to address this issue and suggested that this be placed on the agenda for the November hearing.

Mr. Schoendorf further added that they are just confirming that the system is functional.

Mr. Kurzman asked about duplication.

Mr. Schoendorf responded that there may be some duplication.

Mr. Don Roberts referenced 468.6.04 paragraph 2 that states each inspector must be certified and Unincorporated Miami-Dade County inspectors are looking at the sprinklers. He mentioned that double fees are also an issue.

**There being no further business, the meeting was adjourned at 2:25 P.M.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 11-18-04

**Attendance:** Thomas Utterback, VC                      John Kurzman                      Justin Manuel                      Enrique Salvador  
William Derrer                      Jesus M. Gomez                      Rolando Diaz                      Carmen Garcia  
Chief Virgil Fernandez                      Arnold Velazquez                      Robert Barnes                      Edward Woodard  
Alfonso Fernandez-Fraga, P.E.

**Excused:** Richard Horton, CH                      Gregory Pierce                      William Riley  
William Strachan, (Ret. Chief)

**Staff Present:** Michael Goolsby, Secretary  
Maria Artista-Volsky, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Lorena Ramos, Metro Dade Court Reporters

**The meeting commenced at 1:15 P.M.**

## MINUTES OF OCTOBER 21, 2004

Mr. Utterback requested of the Board a motion to approve the minutes of the **October 21, 2004** meeting.

Mr. Diaz moved to accept the minutes of the last meeting. Mr. Woodward seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback then requested a motion to approve the Emergency Consent Agenda.

## EMERGENCY CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. B0303717, Whitley**

**APPEAL #2: TCO EXTENSION, PERMIT No. B9700865, Bloomberg**

Mr. Woodward moved to approve the Emergency Consent Agenda items as announced by Mr. Utterback. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback then proceeded with the **Regular Agenda TCO/TCC Appeals.**

## REGULAR AGENDA TCO/TCC APPEALS

**APPEAL #1: TCO EXTENSION, PERMIT No. 2000071997, Vallejo**

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Derrer seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: TCO EXTENSION, PERMIT No. B0001111/BCO4169, Sanger**

After some discussion, Mr. Velazquez moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: TCO EXTENSION, PERMIT No. BCO03099, Davis**

Mr. Utterback advised the Board that this extension expired in March 2004 and they would need three extensions to come up to-date.

After some discussion, Mr. Diaz moved to grant three 90-day extensions. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: TCO EXTENSION, PERMIT No. B0000750, Lazar**

After some discussion, Mr. Kurzman moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #6: TCO EXTENSION, PERMIT No. 02050405, Gaines**

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #7: TCO EXTENSION, PERMIT No. 02030120, Rosso**

**APPEAL #8: TCO EXTENSION, PERMIT No. 02030121, Rosso**

Mr. Utterback informed the Board that the above-mentioned permit numbers have been removed for compliance.

**APPEAL #10: TCO EXTENSION, PERMIT No. 02010260, Ertel**

After some discussion, Mr. Derrer moved to grant a 90-day extension. Mr. Woodward seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #11: TCO EXTENSION, PERMIT No. 01031165, Longone**

After some discussion, Mr. Derrer moved to grant a 90-day extension. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #5: TCO EXTENSION, PERMIT No. 1993278779, Delgado**

Mr. Juan Gonzalez with the Aviation Department advised the Board that Concourse “H” is safe, however they will isolate this area if need be. He added that there are three gates in question and they have just recently found out that the system implemented is not acceptable, prompting them to consider providing a 1 to 2 hour fire rated wall to protect the people inside.

Mrs. Carmen Garcia asked about the glass that they had prior.

Mr. Gonzalez responded that the contractor replaced the inside, but the all of a sudden the supplier backed out.

Mr. Charles Danger, Building Official, Unincorporated Miami-Dade County, informed the members that the problem has been ongoing for six years and Concourse “H” has to be made safe. He stated that he concurs with the Fire Department that progress is not being made and the contractors keep being replaced, which is why he refuses to recommend extension of the TCO. He further added that the deluge system is not something that can be done rapidly, but there could be a way to isolate the area.

Mr. Kurzman asked would a 2-hour firewall suffice.

Mr. Danger responded that he did not know.

Chief Fernandez remarked that he does not support extending the permit for Concourse “H”.

Chief Pedro Bas, Miami-Dade Fire Rescue, stated that they do not support another TCO extension and proceeded to provide the members with a background history of this issue. He proceeded to comment that the Fire Department has been dealing with this issue for the past eight years, as the original code did not address sprinkler systems. He further added that the three gates in questions are a great concern of the Fire Department and the wet system is only acceptable if the system is UL listed. As for the barrier wall, this proposal is not acceptable either, since you are dealing with radiant heat. Chief Bas indicated again that Mr. Gonzalez sent him an email requesting 24 months to obtain compliance.

Mr. Utterback asked did he concur with the Building Department and was the deluge system their stance.

Mr. Bas responded that there has been little progress, but right now the deluge system is the only system that will be sufficient.



Mr. Fernandez-Fraga remarked that a 1-hour fire wall would do a better job than the glass.

Mr. Salvador commented that the Aviation Department has been aware of the issue for a long time and proceeded to ask about the appealing process.

Asst. County Attorney responded that the appeal is based on the standard Florida Appellate Procedures.

Mr. Velazquez stated that they could receive a stay from the Courts.

Chief Fernandez commented that since 1999 this building has been in the same condition with no accidents, however, they must also take in effect the economic hardship this may have on this community.

Mr. Bas stated that they have provided proposed alternates and the Fire Department have incurred a huge liability.

At this time, Chief Fernandez suggested that within 30 days Miami-Dade Aviation put a plan in motion on how to resolve this issue with Concourse "H".

Mr. Utterback then suggested an oversight committee of the Board of Rules and Appeals be convened and asked who is in charge of making decisions on this issue, as mediation must be obtained. He then proceeded to request that the Board extend the TCO for 15 days and direct Aviation to have a plan in motion as well.

Mr. Juan Gonzalez responded that Concourse "H" was re-done and completed in 1998, but other personnel removed the deluge system and everything was done in consent with the Fire Department, but it was the suppliers fault for leaving the project unfinished. He added that the sprinklers were not a good idea, as it needed to be approved and tested for the outside.

Mr. Danger stated that 30-days are a long time and concurred with Mr. Utterback in requesting that a report is prepared within 15 days.

Mr. Kurzman mentioned a concern for explosive impact.

Mr. Danger responded the heat produced is the major concern now, but consultants can help with this issue, if not the agreement is null and void.

Mr. Gonzalez commented that the implementations of the deluge system will add an additional one million dollars to the expenditure.

Mr. Utterback stated that the 15<sup>th</sup> day falls on December 3<sup>rd</sup>.

Upon further discussion, Mr. Derrer moved to grant a 15-day TCO extension and that Aviation must come up with a solution to the satisfaction of Miami Dade Fire and Rescue and Unincorporated Miami-Dade Building Department on how to rectify the problem with Concourse "H" within 15 days. Chief Fernandez seconded the motion.

#### **Discussion:**

Mr. Velazquez asked was a Fire Watch an alternate.

Mr. Bas replied that there will be a phone truck on the premises.

Mr. Gonzalez clarified the 15 day requirements and stated that to his understanding the Board would like to see a solution to this issue within 15 days.

Mr. Utterback then assigned members to have quorum for a special committee on the Airport and advised them that they would meet on December 7 at 1:00 P.M.

Asst. County Attorney made clear that all three parties involved must return with a solution on December 7 and further suggested that notification of this meeting should be considered a "Special Meeting of Boards."

**Motion carried. (Mr. Salvador was opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **APPEAL #9: TCO EXTENSION, PERMIT No. 2004-011683, Mainster**

Mr. Charles Danger, Building Official, Unincorporated Miami-Dade County advised the members that this work has been ongoing for a long time and he would like to see compliance made.

Mr. Anthony Buford commented that they still needed more time to comply with the elevator requirements, which is installed up to the second floor. He further added that they should be completed by December 2004.

Mr. Utterback informed the members that this permit expired on October 15, 2004.

Mr. Buford remarked that this was an OCED funded project and the funds are now in place.

After some discussion, Mr. Velazquez moved to grant a 90-day extension. Mr. Barnes seconded the motion.

### **Discussion:**

Mr. Danger suggested that the Board leave out the life safety requirements, which will be addressed throughout the project.

At this time, Mr. Velazquez amended his motion that all life safety requirements within this period will be worked out with the Building Official. Mr. Woodward seconded the motion.

**Motion carried. (Chief Fernandez and Mr. Salvador were opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

At this time, Mr. Utterback directed the members to the Certification Report.

### **REPORT #1**

#### **Certification Subcommittee for November 2004**

Mr. Salvador announced that the following individuals are being recommended for **approval** for **New Certification** for **November 2004**.

#### **INSPECTOR:**

Alvarez, Elio  
Cruz, Johnny  
Fernandez, Jose B.

Garcia, Heberto A.

Hernandez, Robert

Iglesias, Jose M.  
Klements, Carroll D.

Regalado, Reinaldo  
Rodriguez, Jesus R.  
Sariego, Jorge L.  
Vecin, Frank

#### **REPRESENTING:**

City of Miami Gardens  
Miami-Dade County  
City of Hialeah

City of Hialeah

City of Miami Gardens

Miami-Dade County  
City of Homestead

City of Hialeah  
City of Miami  
City of North Miami  
MDC Police Dept. Liaison  
County at Large

#### **DISCIPLINES:**

Plans Examiner Electrical  
Mechanical Inspector  
Mechanical Inspector  
Plans Examiner Mechanical  
Plans Examiner Plumbing  
Plumbing Inspector  
Plans Examiner Plumbing  
Plumbing Inspector  
Plans Examiner Plumbing  
Plumbing Inspector  
Plans Examiner Building  
Building Inspector (Structural)  
Roofing Inspector (Residential)  
Chief Building Inspector  
Building Inspector (Structural)  
Mechanical Inspector  
Building Inspector (Structural)

Mr. Derrer moved to **grant New Certification** for the above-mentioned individuals. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then announced that the following individual is being recommended for **rejection** for **New Certification** for **November 2004**.

#### **INSPECTOR:**

Sariego, Jorge L.

#### **REPRESENTING:**

City of North Miami

#### **DISCIPLINES:**

Plans Examiner Mechanical

Mr. Salvador moved to **reject** the above-mentioned individual for **New Certification** for **November 2004**. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then advised the Board that there was another issue that came about at the Certification Subcommittee regarding Mr. John Travers. Mr. Salvador stated that he would prefer to discuss the issue further at the next meeting.

Mr. Velazquez elaborated that the City of Hialeah would like to have a back-up Building Official, in the absence of the regular Building Official. He added that Mr. Travers was recommended for this position and requested that they use Broward County's guidelines on addressing this issue in having the ten years experience and be certified from the State.

Mr. Goolsby clarified the issue and informed the members that a modification to Chapter 8, Article II would have to be made and ratified by the County Commissioners.

The item was referred to the Certification Subcommittee.

**The Board took recess at 2:50 P.M. and reconvened at 3:00 P.M.**

**EMERGENCY AGENDA APPEALS**

**APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami-Dade County, Process Number #C2004-032907, Interpretation of the FBC 11-4.1.2(2)**

Mr. Utterback made clear to the members this appeal was regarding accessibility.

Asst. County Attorney Maria Artista-Volsky advised the Board of the nature of this appeal and stated that this issue needed to be addressed with the State and not the local Boards.

**Mr. Woodward left for the day.**

Mr. Robert Fine, representing the Codina Group stated that County municipalities can grant waivers on this issue.

The Asst. County Attorney reiterated that the appeal should not be heard due to lack of jurisdiction.

At this time, Mr. Kurman moved to table this appeal until further clarification from the Asst. County Attorney. Mr. Velazquez seconded the motion.

**Discussion:**

Mr. Salvador suggested hearing from Mr. Robert Fine to discuss the jurisdictional issue.

Mr. Fine took to the podium and advised the members that he was prepared to address the jurisdictional issue first and informed them that they do have the right to hear this item according to Chapter 8 of the Miami-Dade County Code. He directed the members to the Building Official's comments on the plans and feels that Mr. Danger is incorrectly interpreting this area of the code, as this dumpster is not for public use and proceeded to guide the Board through what is acceptable.

The Asst. County Attorney clarified the Section cited by Mr. Fine and stated that the Building Official has an obligation to enforce the code and it is clear that this interpretation of the code must be heard at the State level. She further added that the Board can affirm, modify or reverse a Building Official's opinion.

Mr. Fine stated that the Board has heard two cases on this issue previously.

Mr. Fernandez-Fraga commented that other Attorneys' have advised them that they must find the Building Official to be in error of a decision they have made, which will constitute an appeal to BORA.

Mr. Salvador stated that the list does not have dumpster on it.

Mr. Danger commented that he concurred with the Asst. County Attorney and added that the Florida Accessibility Code was put in place to comply with ADA requirements. He then proceeded to provide the Board with some history about this project, he stated that this project was a year old and they have to comply with quality control provisions of the private provider's requirements.

Mr. Danger further commented that in the audit process, a visit of the structure was conducted and it was then found to have no accessible routes, as this area is open to the public. He added that they did a lot of research and according to the code it does not mention that dumpsters are exempt. Mr. Danger further concluded that he has advised them for over a year to go to the State.

Mr. Fine remarked that they are under the Florida Accessibility Code.

Mr. Utterback clarified the Asst. County Attorney's opinion and suggested that she further research this area for clarity on future appeals.

## **REPORT #2**

### **Sprinkler Inspections and Mechanical Inspector Certification (Referred on October 21, 2004 for Placement)**

Mr. Steve Randall, Florida Department of Sprinkler Association, stated that they have attended numerous meetings concerning this issue and advised the Board that various individuals feel that the person performing these inspections should be certified under 633. He went on to add that the two codes conflict and BOAF also submitted their interpretation on this matter and a Chapter 468 license does not qualify or authorize one to perform fire safety inspections.

Mr. Don Robertson, Robertson Fire Protection, remarked that the mechanical inspector's are doing work outside of their scope and informed the members that the Dade County inspectors are counting sprinklers, as well as performing underground inspections. Mr. Robertson further remarked that there are no sprinkler questions on Dade County's test, as this is one of the reasons why the Fire Department should perform these inspections.

Mr. Danger commented that the code says that he has to perform these tests and he is seeking an answer that says he should not do this inspection. He added that he understands the issue that industry is having, but any discrepancies can be dealt with by the Building Official and the interested parties involved. He further added that he has met with Deputy County Manager, Pete Hernandez on this issue and they came up with two solutions. The first is a long-term solution and it is to provide training for County personnel, as well as for the Fire Department personnel paid for by the County. Secondly, if the issue is the fee, the County will only charge for the inspection, which they will coordinate with the Fire Department, but until then he must proceed accordingly.

Mr. Salvador commented that the State sent it back to the local board to handle.

Mr. Danger responded that the Board of County Commissioner's set the fee arrangement.

Mr. Salvador further commented that Unincorporated Miami Dade County should not charge for the permit.

Mr. Danger remarked that the Board of County Commissioners set the fee structure.

The Asst. County Attorney informed the members that the Board can not make rulings on fees; the solution proposed by Mr. Danger is a long-term recommendation.

Mr. Danger then proceeded to read the recent declaratory statement into the record.

Chief Fernandez stated that there is a difference between the fire alarm and the sprinkler system.

Mr. Fernandez-Fraga commented that NFPA 13 specifies how to install the sprinklers.

Mr. Danger responded that the Florida Building Code does not separate the two; it says fire systems, which is not limited to sprinklers.

Mr. Salvador commented that Unincorporated Miami-Dade County is the only municipality performing this inspection.

Mr. Utterback then asked the members of the audience for input on Mr. Danger's solution to the problem.

In unison, some audience members stated that it would not work.

Mr. Randall stated that the BOAF, State Fire Marshall and numerous agencies disagree with Mr. Danger, as 533 clearly give the authority to the State Fire Marshall.

Mr. Derrer asked whether the person will be trained under the Building Official or Fire Marshall.

Mr. Danger responded that they could be certified under both.

Mr. Joe Ferras, Building Official, City of Miami read into the record the examination of documents and administration chapter of the Florida Building Code and stated that the Building Official has to assure that everything gets reviewed prior to receiving a final. He proceeded to cite the plan review process and informed the members that he has chosen to delegate the fire sprinkler inspection to the Fire Department to handle and agreed that they should in fact perform these inspections.

Mr. Kurzman asked Mr. Danger does his department perform the final inspection and asked is the CO is not approved what happens next.

Mr. Randall responded to the question and stated that he would like for the Fire Department to do his final inspection on the fire issues.

After much discussion, Chief Fernandez suggested that inspections of the sprinkler system fall under 633 and there is no need for a mechanical inspection.

**Discussion:**

Mr. Velazquez stated that the motion should say that they disagree with the Building Official.

Mr. Danger commented to the members that he considered the motion to be improper.

Asst. County Attorney suggested the areas of interpreting the Building Official findings.

Mr. Danger asked about the declaratory statement he had written to the State and informed the members that the motion should refer to those questions.

Mr. Kevin Carrier, Building Code Compliance Specialist (Fire) clarified the declaratory statement as submitted by Mr. Danger.

Upon additional discussion, Chief Fernandez then suggested the Building Official shall not have the authority to perform plan review and inspections of fire sprinkler systems that are currently being done under 633.

Mr. Salvador commented that BORA does not certify sprinkler inspectors.

Mr. Danger and Mr. Ferras then requested clarification to the motion.

Mr. Utterback remarked that the motion has to be specific and advised the members that they can not change the code.

Mr. Salvador reiterated once again that the Board does not certify sprinkler inspectors.

Mr. Danger advised the members that he would like them to address the two questions sent to the State.

Chief Fernandez tried another motion to read "the Building Official shall not have the authority to inspect fire sprinkler systems under 633." Mr. Salvador seconded the motion.

Mr. Danger responded that he does not perform inspections under 633 and requested once again that the Board make the proper motion according to the declaratory statement.

Upon further discussion, Mr. Diaz amended the motion to read that: In reference to Florida Building Code Sections 104.3.1.1, 903 and the Florida Mechanical Code Sections 305, 509, 510, 602.2.1.2, the Building Official shall not perform inspections on fire sprinkler systems nor plan review on fire sprinkler systems. Chief Fernandez accepted the amendment.

**Motion passed unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**EMERGENCY AGENDA APPEALS CONTINUED...**

Chief Virgil Fernandez moved to hear the emergency appeal and Mr. Velazquez seconded the motion.

**Motion passed unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: APPEAL OF BUILDING OFFICIAL: City of Miami, Seybold Building, 816 N.W. 11 Street, Roof Slope**

Ms. Donna Milo advised the Board that the roof system is the issue and she feels that the roof slope is in compliance. She proceeded to submit a letter from the manufacturer to the members and also advised them that she has met with Mr. Frank Zuloaga, of the Building Code Compliance Office.

Mr. Joe Ferras, Building Official, City of Miami, stated that round dome roofs are becoming more common, but he denied it because it did not meet product approval.

Mr. Goolsby stated that this assembly should be looked at individually, as there are certain components that must be taken into effect. He added that the uplift, fire and weatherability are of great concern, in particular the latter.

Mr. Ferras remarked that he would accept the manufacturer's recommendation.

Mr. Barnes stated that the weather issue is redundant.

Mr. Goolsby stated that the redundancy is there intentionally.

After some discussion, Mr. Barnes moved to accept this as an alternate, which meets the code requirements. Mr. Salvador seconded the motion.

**Motion passed unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**There being no further business, the meeting was adjourned at 4:55 P.M.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 12-16-04

**Attendance:** Richard Horton, CH Thomas Utterback, VC John Kurzman Enrique Salvador  
William Derrer Jesus M. Gomez Rolando Diaz Chief Virgil Fernandez  
Arnold Velazquez Robert Barnes Edward Woodard William Riley  
Gregory Pierce Alfonso Fernandez-Fraga, P.E.

**Excused:** William Strachan, (Ret. Chief) Carmen Garcia Justin Manuel

**Staff Present:** Mark Zehnal, Acting Secretary  
Maria Arista-Volsky, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnik, Metro Dade Court Reporters

**The meeting commenced at 1:23 P.M.**

## MINUTES OF NOVEMBER 16, 2004

Mr. Horton requested of the Board a motion to approve the minutes of the **November 16, 2004** meeting.

Mr. Velazquez moved to accept the minutes of the last meeting. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton requested a motion to approve the **Consent Agenda**.

## CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 01090192, Tien**

**APPEAL #2: TCO EXTENSION, PERMIT No. B0100654, Upegui**

**APPEAL #3: TCO EXTENSION, Martin**

342 San Lorenzo Avenue #1000 – Permit # 02080400  
342 San Lorenzo Avenue #1005 - Permit # 02050103  
342 San Lorenzo Avenue #1030 – Permit # 02080398  
342 San Lorenzo Avenue Permit # 03110491  
342 San Lorenzo Avenue #1035 – Permit # 02100575  
342 San Lorenzo Avenue #1055 – Permit # 02080224  
342 San Lorenzo Avenue #1090 – Permit # 03020150  
350 San Lorenzo Avenue #2020 – Permit # 02080093  
350 San Lorenzo Avenue #2030 – Permit # 02070180  
350 San Lorenzo Avenue #2100 – Permit # 02060536  
358 San Lorenzo Avenue #3120 – Permit # 02090236  
358 San Lorenzo Avenue #3135 – Permit # 02080540  
358 San Lorenzo Avenue #3225 – Permit # 02070493  
320 San Lorenzo Avenue #1210 – Permit # 02110296  
320 San Lorenzo Avenue #1215 – Permit # 02100579  
320 San Lorenzo Avenue #1225 – Permit # 03040285  
330 San Lorenzo Avenue #2327 – Permit # 0207634  
330 San Lorenzo Avenue #2345 – Permit # 02080097  
360 San Lorenzo Avenue #1440 – Permit # 02080523  
360 San Lorenzo Avenue #1500 – Permit # 02080132  
360 San Lorenzo Avenue #1502 – Permit # 03100426  
360 San Lorenzo Avenue #1505 - Permit # 02080537  
360 San Lorenzo Avenue #1520 -- Permit # 02110055  
360 San Lorenzo Avenue #1525 - Permit # 02070541  
370 San Lorenzo Avenue #2400 – Permit # 02080229  
370 San Lorenzo Avenue #2415 – Permit # 02080461  
370 San Lorenzo Avenue #2422 – Permit # 02080139  
370 San Lorenzo Avenue #2425 – Permit # 02070411  
370 San Lorenzo Avenue #2430 – Permit # 02080225

370 San Lorenzo Avenue #2445 – Permit # 02080685  
370 San Lorenzo Avenue #2450 – Permit # 02080598  
370 San Lorenzo Avenue #2455 – Permit # 02080599  
4425 Ponce De Leon Blvd #118 - Permit # 02050516  
4401 Ponce De Leon Blvd #1605 – Permit # 02050334  
4425 Ponce De Leon Blvd #200 – Permit # 02050282  
4425 Ponce De Leon Blvd #240 - Permit # 02100069  
4425 Ponce De Leon Blvd. -Permit # 03010272  
4425 Ponce De Leon Blvd.-Permit # 03020054  
4425 Ponce De Leon Blvd. -Permit # 02110241  
4425 Ponce De Leon Blvd.-Permit # 0202110074  
4251 Salzedo Street #1325, - Permit # 03060367

Mr. Pierce moved to approve the Consent Agenda items as announced by Mr. Horton. Mr. Diaz seconded the motion.  
**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton requested a motion to approve the **Emergency Consent Agenda**.

#### **EMERGENCY CONSENT AGENDA**

**APPEAL #1: TCC EXTENSION, PERMIT No. B0001114/BCC0000048, Sanger**  
**APPEAL #2: TCC EXTENSION, PERMIT No. B0001107/BCC0200350, Sanger**  
**APPEAL #3: TCC EXTENSION, PERMIT No. B0001112/BCC0200351, Sanger**  
**APPEAL #4: TCO EXTENSION, PERMIT No. B0103671, Reyes**

Mr. Woodward moved to approve the Emergency Consent Agenda items. Mr. Salvador seconded the motion.  
**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then proceeded with the **Regular Agenda Appeals**.

#### **REGULAR AGENDA APPEALS**

##### **APPEAL #1: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami-Dade County, Various Locations, Expired Permits**

Mr. Horton informed the members that this appeal has been **deferred** to the January 20, 2005 meeting.

##### **APPEAL #2: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami-Dade County, Building Process #C2004032907, Interpretation of FBC 11-4.1.2(2)**

Mr. Cliff Shulman advised the Board that he was standing in for Mr. Robert Fine today and proceeded to show them the site plan of the location and advised them that this dumpster is located in the back of the building. He commented that this dumpster is a roll-off that is a moveable piece of equipment and the garbage is not deposited into the dumpster by the tenants. Mr. Shulman then went through the list of areas that apply and stated that dumpsters are not on the list.

After some discussion, Mr. Velazquez moved to grant the appeal. Mr. Salvador seconded the motion.

#### **Discussion:**

Mr. Juan Carlos Arteaga, Unincorporated Miami-Dade County, proceeded to provide the members with the accessibility code requirements and advised them of the stance of the Building Official, Mr. Charles Danger. He commented that the trash facility could be considered accessible and the Building Department argued that this is a big facility and one of these areas should be for the handicapped. Mr. Arteaga further commented that the Building Department would consider working with them in trying to provide equivalency.

Mr. Velazquez went through the documents submitted by Unincorporated Miami Dade County. He stated that as a designer he could only follow the rules outlined in designing the building and could not anticipate areas that are not identified by the code.

At this time, Mr. Utterback asked the County Attorney was this properly before the Board.



Asst. County Attorney, Maria Arista-Volsky informed the members that she had spoken with Mr. Robert Fine and she interprets this area somewhat differently, but the Attorney for the Florida Building Commission indicated that the Board of Rules and Appeals could hear this appeal.

Mr. Arteaga stated that the trash dumpster is an essential element to a building.

Mr. Utterback then asked Unincorporated Dade County staff exactly what needed to be done to obtain compliance.

Mr. Arteaga remarked that the handicapped should not have to go out of their way to access this dumpster.

Mr. Diaz reiterated that this was considered service maintenance area and would not be used by tenants directly.

Chief Fernandez then requested some clarity on this issue and asked that staff further inform them as to what is required.

Mr. Rene Fraga stated that he had never heard of requiring accessibility to dumpsters for this type of commercial site and also the ACCESS Board indicates that it only has to be accessible to the employees.

**Motion carried. (Mr. Utterback was opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: APPEAL OF BUILDING OFFICIAL: City of Doral, Palmetto West Park, LP, 7701 N.W. 46 St., 7750 N.W. 46 St., 7851 N.W. 46 St., Revocation of Permit #20030023511**

Mr. John Shubin, Shubin & Bass, P.A., advised the members that he represents this property and proceeded to explain that they are appealing the revocation of a permit in the City of Doral, which was originally permitted by Unincorporated Miami-Dade County. He added that the City of Doral did not possess jurisdiction to revoke the above referenced permit issued by Miami-Dade County due to an agreement that is in place effective upon the City of Doral becoming its own municipality.

Mr. Stanley Price commented that this is a Zoning violation of the Public Works manual and the Building Official is complying with the Florida Building Code. He informed the members that the Board has no jurisdiction in this matter.

Asst. County Attorney asked Mr. Shubin about the evidentiary hearing before the Counsel, as this issue needed to be heard in the Circuit Court.

Mr. Shubin commented that there was an appeal by Mr. Price's client and there is competence substantial evidence. He explained that every building needs Zoning signoffs, as well as Planning. Mr. Shubin added that Section 8-13 states they have jurisdiction over revocation of permits. He went on to add that the revocation of this permit relates to the demolition of the permit and the Building Code Compliance Office and the Board of Rules and Appeals were designed to deal with this issue.

Asst. County Attorney asked did this inter-local agreement give the City of Doral jurisdiction.

Mr. Shubin answered "no."

Mr. Diaz stated that this is a Planning and Zoning issue and a Public Works permit.

Mr. Kurzman questioned which entity issued the CO.

Asst. County Attorney began to read some of the agreement into the record.

Mr. Shubin responded that Dade County issued the CO and added that the Administrative appeal had a different permit number. He reiterated that the Board of Rules and Appeal is the place to deal with this issue.

At this time, Asst. County Attorney recommended that the Board not rule on this appeal and let this case be heard in Circuit Court.

Mr. Horton advised the members that they will follow the advisement of the Asst. County Attorney.

Mr. Riley moved to consider, as advised by the Assistant County Attorney, that the case was not within the jurisdiction of this Board. Mr. Utterback seconded the motion.

**Motion carried. (Mr. Barnes, Mr. Velazquez and Mr. Salvador were opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Non-Agenda Emergency Request:**

At this time, Mr. Price advised the Board of a non-agenda item that needed approval. He stated that the extension is for the **Biscayne Village, 2000 North Bayshore Drive, Permit #B02-5021896.**

The Board granted a 90-day extension.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #4: APPEAL OF BUILDING OFFICIAL: City of Miami, Kay Bank at the Four Seasons Tower, 1441 Brickell Avenue, 12<sup>th</sup> Floor, Transformer Installation in Air Plenum**

Mr. Fernandez-Fraga left the room for this appeal.

Mrs. Aundria Blarn, Initial Engineers, informed the members that this was an issue with the installation in a plenum and began to explain that the transformer in question is small and meets all the conditions. She advised them that Mr. Donald Shield also agrees with their assessment that the 30 Kva transformers should be allowed.

Mr. Joe Ferras, City of Miami, Building Official, stated that they can not put this transformer in the ducts and plenums and more importantly, this transformer needs to be UL listed. He remarked to the members that the Code is not clear, as there may be some conflict in the two codes.

Mr. Riley asked about the stance of the Building Official.

Mr. Ferras answered that it must be UL listed.

Mr. Velazquez commented that mechanical section of the code has requirements and it seems as though the Building Official's stance is that it has to be listed.

Mrs. Blarn read an excerpt into the record and stated that the plenums and ducts have the air flow coming in and the transformer is installed in open space, not in the duct.

Mr. Ferras replied that there are a lot of people saying that this can be used, but it is not written.

Mr. Pete Quintela, Building Code Compliance Specialist, informed the members that he was speaking on behalf of Mr. Oriol Torres-Haage and proceeded to cite areas of the code that apply. He also added that this was a metal enclosure that can be used in a plenum and then presented emails from Mark Grody corresponding with Mr. Torres-Haage about the use of this transformer in this manner.

After some discussion, Mr. Salvador moved to grant the installation of the 30kva metal enclosure dry type transformer, which is in compliance with the National Electrical Code as referenced by the Florida Building Code. Mr. Woodward seconded the motion.

**Motion carried. (Mr. Velazquez and Chief Fernandez were opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then proceeded with the **Regular Agenda TCO/TCC Appeals.**

Mr. Diaz left the room.

### **REGULAR AGENDA TCO/TCC APPEALS**

#### **APPEAL #1: TCO EXTENSION, PERMIT No. BCO02303, Puig**

Mr. Henry Puig advised the Board that this is a 12-unit condo under the TCO for the past two years and there were issues with the general contractor and the developer that have now been worked out.

Mr. Brian Axelrod commented that they will try to finish construction and obtain a final CO.

After some discussion, Chief Fernandez moved to grant a 90-day extension. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **APPEAL #2: TCO EXTENSION, PERMIT No. 99-319, Burke**

Mr. Nestor Bustamante remarked that they need a 60-day extension and they are awaiting a one-time product approval from the Building Code Compliance Office.

After some discussion, Chief Fernandez moved to grant a 60-day extension. Mr. Velazquez seconded the motion.

Mr. Diaz returned to the meeting.

### **Discussion:**

Mr. Craig Shapiro, representative for the Owner, stated that the original CO has been revoked and there have been additional extensions.

Mr. Riley questioned the timeframe on getting a one-time approval.

Mr. Diaz explained the process of the one-time product approval to Mr. Riley and stated that it only applies to the specific building for its intended installation.

Mr. Shapiro commented that he has yet to review anything in writing; he further added that this building is occupied and they do not really know what system is installed.

Mr. Bustamante remarked that the system is in place at this time.

Upon further discussion, Mr. Velazquez amended Chief Fernandez' motion to grant the extension until the next BORA meeting. Mr. Derrer seconded the motion.

**Motion carried unanimously. (Mr. Pierce abstained.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **APPEAL #3: TCO EXTENSION, PERMIT No. B0204388, Socarras**

After some discussion, Mr. Velazquez moved to grant a 90-day extension. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Diaz left the room.

## **APPEAL #4: TCO EXTENSION, PERMIT No. 99090011, Sessions**

After some discussion, Mr. Pierce moved to grant a 90-day extension. Mr. Utterback seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REPORT #1**

### **Certification Subcommittee for December 2004**

Mr. Salvador announced that the following individuals are being recommended for **approval** for **New Certification** for **December 2004**.

#### **INSPECTOR:**

Anillo, Jorge A.  
Arronte, Ramon L.  
Barrios, Ardiel

Cobo, Jose

De La Fe, Gustavo

Fernandez, Jesus  
Gay, Lawrence

#### **REPRESENTING:**

City of Sweetwater  
City of Miami Gardens  
City of Doral

City of Hialeah Gardens

Village of El Portal

City of Homestead  
Miami-Dade County

#### **DISCIPLINES:**

Chief Electrical Inspector  
Building Official  
Roofing Inspector (Commercial)  
Roofing Inspector (Residential)  
Mechanical Inspector  
Plans Examiner Mechanical  
Mechanical Inspector

Roofing Inspector (Residential)  
Plans Examiner Building

Nieda, Daniel B. Regalado, Reinaldo	Town of Golden Beach City of Opa Locka	Building Official Roofing Inspector (Commercial) Roofing Inspector (Residential) Plans Examiner Building
Riveron, Alexis	Town of Miami Lakes	Building Inspector (Structural) Roofing Inspector (Commercial) Roofing Inspector (Residential) Plans Examiner Mechanical (Res.)
Rodriguez, Alberto Rubi, Richard	City of Miami City of Opa Locka	Roofing Inspector (Commercial) Roofing Inspector (Residential)
Tarafa, Rene F.	City of South Miami	Chief Building Inspector

Mr. Salvador moved to **grant New Certification** for the above-mentioned individuals. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then announced that the following individual is being recommended for **rejection** for **New Certification** for **December 2004**.

**INSPECTOR:**

De La Fe, Gustavo  
Hernandez, Paul  
Quintana, Angel

**REPRESENTING:**

Village of El Portal  
City of Miami  
Village of El Portal

**DISCIPLINES:**

Plans Examiner Mechanical  
Plans Examiner Mechanical  
Building Inspector (Structural)  
Building Official  
Plans Examiner Building  
Building Official

Travers, John T.

City of Hialeah

Mr. Salvador moved to **reject** the above-mentioned individual for **New Certification** for **December 2004**. Chief Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador proceeded to provide the members with a brief synopsis about Mr. Paul Hernandez' certification status.

Mr. Hernandez addressed the Board and informed the members that he is a Mechanical Inspector for the City of Miami and stated that he was missing 1 ½ years of experience. He requested that the board recognize his certificates and his education.

Mr. Ferras remarked that Mr. Hernandez was an excellent employee and inspector.

Mr. Fernandez-Fraga remarked to the qualifications of Mr. Hernandez and stated that he would support approval of him.

Mr. Horton commented that the code does not take into effect the education in replacement of the experience requirements.

Mr. Zehnal read into the record the specific requirements.

Asst. County Attorney commented that the decisions on this issue must be consistent.

After much discussion, Mr. Salvador moved to deny Mr. Hernandez. Mr. Diaz seconded the motion.

**Motion carried. (Chief Fernandez was opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then advised the Board that there was another issue that came about at the Certification Subcommittee regarding Mr. John Travers. He stated that the full Board wanted further discussion at the Certification Subcommittee level.

Mr. Velazquez explained that the question is whether they can use reciprocity.

Asst. County Attorney advised them to follow the code as outlined and written.

Mr. John Travers took to the podium and stated that he is a Chief Electrical Inspector for Hialeah and Mr. Goolsby advised him to seek help from the Board of Rules and Appeals. He asked that they look at Broward County's standards, as the Building Official's position is to administer the code.

Mr. Salvador remarked that the two Counties have different requirements and added if there are going to changes it would have to go through the Commission.

Mr. Zehnal read the requirements into the records.

Mr. Diaz left for the day.

Mr. Velazquez stated that he would also like to see the granting of licenses that have State Certificates, as this area needed to be addressed further.

Upon some discussion, Mr. Salvador moved to reject Mr. Travers. Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

At this time, Mr. Gamoneda took to the podium and advised the members that the Director of the Building Code Compliance Office, Mr. Herminio Gonzalez expressed reservations with these changes, as these changes needed to be put through an ordinance. Mr. Gamoneda further advised them that he has not received all the paperwork for New Certification for 2005.

Mr. Velazquez further moved to revise Section 8-21.1, Chapter 8 and discuss the areas of State licenses. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Gomez left the room.

## **REPORT #2**

### **Special BORA Meeting (Airport Subcommittee) Request for TCO Extension MIA Concourse "H" Miami Dade County, Permit #1993278779**

Mr. Horton advised the members of the results of the Special committee meeting to address the progress with work under the TCO extension for Concourse "H". He indicated that there appears to be an agreement to move forward with the deluge system.

After some discussion, Mr. Derrer moved to grant a 90-day extension and Mr. Velazquez seconded the motion.

**Motion passed unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton mentioned that a construction schedule report must be presented. This is to appear on a monthly basis to the board for status report.

## **INFORMATION**

Mr. Horton brought to the members attention the dates for 2005.

The Board acknowledged the dates as called by Mr. Horton.

**There being no further business, the meeting was adjourned at 3:20 P.M.**